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ACTS

OF THE

HONOURABLE COMMISSION OF GOVERNMENT OF NEWFOUNDLAND

1946.

ST. JOHN'S, NEWFOUNDLAND
D. R. Thistle, King's Printer
1946

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ACTS

OF THE

HONOURABLE COMMISSION OF GOVERNMENT

OF NEWFOUNDLAND

1946.

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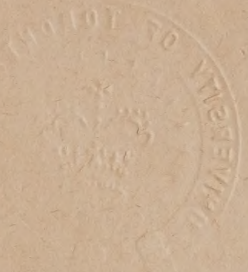
PASSED IN THE TENTH YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE VI.

His Excellency Sir Gordon Macdonald, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

ST. JOHN'S, NEWFOUNDLAND

D. R. Thistle, King's Printer

1946



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NEWFOUNDLAND

AN ACT RESPECTING PILOTAGE AND TO PROVIDE FOR REGULATIONS FOR THE PORT AND HARBOUR OF ST. JOHN'S.

[18th February, 1946]

SECTION

1.—Interpretation.
2.—(1) St. John's Harbour and Pilotage Commission.
(2) Harbour Master.
(3) Salary of members of Commission.
(4) Quorum.
(5) Illness or absence of Chairman.
(6) Appointment of clerks, etc.
3.—Jurisdiction of Commission.
4.—Power to acquire land for improvement of Harbour.
5.—Funds of Commission; power to pay remuneration to servants and other expenses.
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7.—Annual account.
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12.—Right of entry on premises.
13.—Disposition of Harbour dues.
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19.—Delivery up of licence.
20.—Retired pilot may be granted licence from year to year.
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22.—Liability of master, owner, consignee of car-

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go or agent of vessel for pilotage dues.
23.—Retention of pilotage dues paid by consignee of cargo or agent of vessel out of moneys in hand.
24.—Recovery of pilotage dues.
25.—Removal of vessel; liability for pilotage dues.
26.—Taking pilots to sea; penalty.
27.—Liability in respect of pilot placed in quarantine.
28.—Publication of regulations and bye-laws; coming into effect.
29.—Regulations and bye-laws in First Schedule and Second Schedule respectively to have effect.
30.—Respecting violations of Act and Regulations.
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32.—Short title.
First Schedule.
Second Schedule.
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A.D. 1946. *Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:*

PART I

Interpretation

Interpretation.

1. In this Act and in any regulations and bye-laws made thereunder unless the context otherwise requires—

(a) "boat" means motor boat, row boat, launch or lighter.

(b) "Commission" means the St. John's Harbour and Pilotage Commission.

(c) "direction" means any direction whether given orally or in writing.

(d) "District" means the St. John's Pilotage District and shall comprise the Port as well as all that area two miles to seaward in any direction from a line drawn from North Head to South Head at the eastern limit of the Port.

(e) "Harbour Limit" means that part of the Port which lies inside a line drawn from Chain Rock to Prosser Rock.

(f) "Harbour Master" means the person appointed as such by the Governor in Commission under the provisions of subsection (2) of Section 2 of this Act.

(g) "pilot" means a pilot duly licensed for the District.

(h) "pilotage dues" shall include, in addition to inward and outward pilotage fees, detention, moving, special service and other charges.

(i) "Port" means the Port and Harbour of St. John's and shall comprise all that area, including the Narrows, extending eastward to a line drawn from North Head to South Head and extending westward above the Long Bridge, to a line drawn North and South at the western end of the Gas Works, and including the shore at high water mark.

(j) "tons" means net registered tonnage.

(k) "vessel" means any ship, vessel or boat of any kind whatsoever.

PART II

Of The St. John's Harbour and Pilotage Commission

St. John's Harbour and Pilotage Commission

2.—(1) There shall be a Commission of three persons to be known as the St. John's Harbour and Pilotage Commission. The said Commission shall consist of the Commissioner for Public Utilities, ex officio, who shall be Chairman of the Commission, and two persons of St. John's connected with trade and shipping, to be appointed by the Governor in Commission.

Harbour Master.

(2) The Governor in Commission shall appoint a Harbour Master for the Port, who shall hold office during pleasure. The Harbour Master shall act as Secretary and as Chief Executive Officer of the Commission.

Salary of members of Commission

(3) There may be paid to members of the Commission other than the Chairman and such members holding salaried appointments under the Government of Newfoundland, such remuneration as the Governor in Commission may decide: Provided that the total amount paid by way of remuneration under this subsection shall not exceed five hundred dollars in any one year.

Quorum.

(4) Two members of the Commission shall be a quorum.

Illness or absence of Chairman.

(5) In the absence or illness of the Chairman, one of the other members of the Commission may act as Chairman.

Appointment of clerks, etc.

(6) The Commission may appoint such clerks or servants as they may deem necessary for the conduct of its work and operations.

Jurisdiction of Commission.

3. The Commission shall have the management and control of the District and shall have jurisdiction within the limits of the District as defined herein.

Power to acquire land for improvement of Harbour.

4. Whenever it shall be considered necessary for the purpose of extending or improving the Port or the accommodations thereof the Governor in Commission may, upon the recommendation of the Commission, acquire by purchase, lease or otherwise any lands and any erections thereon, in, adjoining or adjacent thereto.

Funds of Commission; power to pay remuneration to servants and other expenses.

5. All funds received by the Commission from any source whatsoever shall be deposited in a bank to an account in the name of the Commission and the Commission is hereby authorized to draw cheques upon the said account for the purpose of defraying the proper expenses necessarily incurred in the exercise of, carrying out, or enforcing the provisions of this Act, or of any regulations or bye-laws which may be made thereunder, and without

prejudice to the generality of the foregoing, may make payments for—

(a) salaries of clerks or servants appointed by the Commission;

(b) the maintenance of pilot boats and the general expenses of the pilotage service; and

(c) any other expenses incidental to or necessary for the carrying out of the works and operations of the Commission.

Audit of accounts.

6. The Commission shall keep full and complete books of account which shall be subject to audit by the Comptroller and Auditor General.

Annual account.

7. The Commission shall on or before the 30th day of June in each year render to the Commissioner for Finance a statement of its income and expenditure and a balance sheet of its assets and liabilities for the year ended on the 31st day of March preceding, signed by the Secretary and certified by the Comptroller and Auditor General, together with any report thereon which the Comptroller and Auditor General may have made to the Commission.

PART III

Of The Port And Harbour Of St. John's

Duties of Harbour Master.

8. Subject to the provisions of this Act and of any regulations which may be made thereunder and to such particular directions and instructions as the Commission may from time to time give or cause to be given, the duties of the Harbour Master in respect of the Port shall include the following and he shall have authority—

(a) to control and regulate the movements, anchorage and removal of vessels, and navigation generally;

(b) to control and regulate the fairway;

(c) to prevent and remove obstructions and hindrances to navigation;

(d) to prevent injury to and encroachments and encumbrances on the Port;

(e) to control lights and beacons, buoys and other aids to navigation, in or appurtenant to the Port save and except such as are maintained and controlled by the Department of Public Works; and

(f) generally to do all things necessary for the effectual execution and observance of the provisions of this Act and any regulations which may be made thereunder.

Powers of Harbour Master.

9.—(1) All vessels in the Port shall be under the control of the Harbour Master as regards their position, mooring, anchoring, fastening or removal, or the space or other accommodations the master or person in charge thereof may require and no person on board or in charge of any vessel in the Port, or the owner or agent thereof, shall disregard or disobey the orders of the Harbour Master in such respects, and in the event of the refusal or neglect of any person on board or in charge of any vessel, or the owner or agent thereof, to obey the orders of the Harbour Master to move the vessel or mooring, or if no person be in charge of such vessel, then the Harbour Master may take possession of and move the vessel or mooring and may use any reasonable means and force for the purpose, and at the expense and risk of such vessel and her owners, may moor, anchor, or make fast the vessel at such other place as he thinks fit and any expenses so incurred may

be recovered in an action at the suit of the Harbour Master; and such remedy shall be in addition to any penalty provided by this Act.

(2) If the master or person on board or in charge of any vessel in the Port, or the owner or agent of such vessel, fails, neglects or refuses to comply with any order of the Harbour Master given under the provisions of this section he shall be guilty of an offence against this Act.

Power of Governor in Commission to make regulations.

10. The Governor in Commission may make regulations under this Act for the management of the Port, and, in particular but without limiting the generality of the foregoing, may make regulations with respect to any of the following matters—

(a) the control of the fairway of the Narrows, the approaches to wharves and the entrances and approaches to public coves;

(b) the prevention, removal or disposal of obstructions;

(c) the prevention and control of fire;

(d) the control of vessels with dangerous or explosive cargoes;

(e) the prevention of encroachments on the Port;

(f) the mooring or anchoring of vessels;

(g) the control of movements of vessels in the Port;

(h) the rates of Harbour dues to be paid by vessels using the Port; and

(i) the control of boats engaged in carrying passengers for hire or reward in the Port so as to ensure the

safety of such passengers and the safety and safe operation of such boats.

Governor in Commission may by regulation authorize Commission to engage in certain operations.

11. The Governor in Commission may, by regulation, empower the Commission to engage in any operation which may be necessary for the management of the Port or for provision of port facilities or to secure the safety of vessels using the Port, and, in particular but without limiting the generality of the foregoing, the Governor in Commission by such regulations may—

(a) empower the Commission to operate any tug, lighter, floating crane or similar vessel as may be required;

(b) prescribe tariffs and scales of fees for the use of the vessels, services and facilities referred to in paragraph (a) next preceding; and

(c) empower the Commission to operate and maintain a mooring trot system.

Right of entry on premises.

12. Any member of the Commission, the Harbour Master and others by their or his authority shall be at liberty to enter upon, pass and repass at all reasonable times in, over or upon any lands, buildings or premises, in, adjoining or adjacent to the Port for the purpose of viewing or inspecting any erection whatever in the Port, or of ascertaining whether or not any trespass or encroachment whatsoever has been made or is being made or proceeded with, or for any purpose which he shall consider necessary in the carrying out and enforcing of any of the provisions of this Act or of any regulations which may be made thereunder.

Disposition of Harbour dues.

13. All Harbour dues paid to the Department of Customs in respect of vessels arriving at the Port shall be

paid over quarterly to the Commission together with a detailed statement of each amount so paid.

PART IV

Of The St. John's Pilotage District

Pilotage authority.

14. The pilotage authority for the District shall be the Commission.

Respecting pilotage and vessels subject thereto.

15.—(1) Every vessel which navigates within the District shall pay pilotage dues except:

(a) His Majesty's Ships; and

(b) vessels exempted by any statute or regulation from time to time in force in Newfoundland or by treaty.

(2) Every vessel obliged to take or pay a pilot shall show either her house flag, Board of Trade Signal or National Flag before entering the Narrows, and in case any such vessel shall enter the Narrows without a pilot and with or without having shown such house flag, Board of Trade Signal or National Flag, such vessel shall be subject to the usual pilotage rates.

(3) No sailing vessel owned or registered in Newfoundland shall be compelled to pay pilotage more than once within a period of thirty days.

(4) No vessel shall be exempted on any ground whatever from the liability to pay pilotage dues earned by a licensed pilot voluntarily taken on board of such vessel by the master for the purpose of piloting her, notwithstanding that the vessel be otherwise exempt from the payment of pilotage dues.

Power of Commission to make bye-laws.

16. Subject to the approval of the Governor in Commission, the Commission may make bye-laws to—

(a) prescribe the qualifications in respect of health, age, time of sea service, skill, character and in other respects required of persons applying to be licensed as pilots;

(b) fix the terms and conditions of granting licences to pilots, settle the form of such licences and the fees payable for such licences and regulate the number of pilots;

(c) make rules for the government of pilots and for ensuring their good conduct while on duty and constant attendance to, and effectual performance of, their duty on board ship and on shore and for the holding of enquiries either before the Commission or any other person into matters dealt with in this Part of this Act;

(d) provide for the punishment of any breach of such rules by imposition of a penalty or by the withdrawal or suspension of the licence of the person guilty of such breach;

(e) fix the rates of payments to be made in respect of pilotage dues and the mode of remunerating the pilots licensed by the Commission, the amount and description of such remuneration, and the person or authority to whom the same shall be paid;

(f) provide for the compulsory retirement of any licensed pilot who has attained the age of sixty-five years, subject to the provisions of this Part of this Act for the granting of a new licence;

(g) provide for the compulsory retirement of any licensed pilot who has not attained the age of sixty-five years but who has become incapacitated by mental or bodily infirmity or by habits detrimental to his usefulness as a pilot;

(h) provide for the adjustment and decision of questions arising between masters of vessels, pilots and others, respecting pilotage matters;

(i) provide for the delegation to any person or persons either generally or with reference to any particular matter of any of the powers of the said Commission; and

(j) establish trust accounts for licensed pilots and provide for contributions to such trust accounts by the Commission and the pilots.

Licensing of pilots.

17. Every pilot after being approved for licensing shall receive a licence in the form prescribed by the Commission, which shall be in force for one year and shall be annually renewed. Pilots shall pay five dollars for every such licence and five dollars annually for renewal thereof. In the case of loss or defacing of a licence a pilot shall pay two dollars for a new licence. No licensed pilot shall lend or transfer his licence under the penalty of cancellation of his licence and of not again being licensed.

Register of licences to be kept.

18. The Commission shall cause every pilot's licence issued by it to be registered in a book to be kept for that purpose in the office of the Commission, and this book shall, at all times during the usual office hours, be open to all persons for inspection without fee or reward.

Delivery up of licence.

19. Every licensed pilot if suspended or deprived of his licence or compelled to retire shall deliver up his licence to the Commission.

Retired pilot may be granted licence from year to year.

20. Every licensed pilot shall, upon attaining the age of sixty-five years, produce and deliver up his licence to the Commission and the Commission may grant him a new licence for one year, and so from year to year, pro-

vided he is declared capable of performing his duties as a pilot by a medical officer appointed by the Commission.

Masters and owners to answer questions truthfully.

21.—(1) Masters and owners of all vessels shall truthfully answer relevant questions to aid in the ascertainment of the proper amount of pilotage dues, if any, payable by their vessels, and every master of a vessel, when a licensed pilot offers to pilot and begins to pilot or is piloting such a vessel and enquires as to her draught of water, shall truthfully declare to such pilot such draught, and if the master refuses, neglects or omits so to declare, or makes or is privy to the making by any other person, of a false declaration to such pilot as to such draught, such master shall be liable on summary conviction to a fine in the amount of double the amount of the pilotage dues payable by such vessel and in default of payment to imprisonment for a term not exceeding six months.

(2) Nothing in this Part of this Act shall exempt any owner or master of any vessel from liability for any loss or damage occasioned by his vessel to any person or property on the ground of such vessel being in the charge of a licensed pilot or of such loss or damage being occassioned by the act or default of a licensed pilot.

Liability of master, owner, consignee of cargo or agent of vessel for pilotage dues.

22. The owner, the master and the consignee of cargo or agent of any vessel, if such consignee or agent has sufficient moneys in his hands received on account of such cargo or vessel, shall be liable to pay any pilotage dues made payable under this Part of this Act by or in respect of such vessel.

Retention of pilotage dues paid by consignee of cargo or agent of vessel out of moneys in hand.

23. Every consignee of cargo or agent of a vessel, not being the owner or master of such vessel, may, out of any moneys in his hands received on account of such cargo or vessel, retain the amount of the pilotage dues so paid by him, together with any reasonable expenses he has incurred by reason of such payment and liability.

Recovery of pilotage dues.

24. All pilotage dues may be recovered as a debt due to the Commission.

Removal of vessel; liability for pilotage dues.

25. If the master of a vessel which is liable to pay pilotage dues under this Act removes such vessel or causes such vessel to be removed from one place to another within the District without the assistance of a licensed pilot he shall pay to the Commission the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one such licensed pilot.

Taking pilots to sea; penalty.

26. No licensed pilot shall be taken to sea against his will, under a penalty of two hundred dollars on the master of the vessel which may be sued for and recovered at the suit of the Commission, except when through stress of weather the same is unavoidable, in which case he shall be entitled to cabin passage and, over and above the pilotage dues otherwise payable to him, to the sum of three dollars per day, to be computed from and inclusive of the day on which the vessel passes out of the limit of the District and up to and inclusive of either the day of his being returned in the said vessel to the said District, or, if he is discharged from the vessel at a distance from the said District, such day as will allow him sufficient time to return thereto, in which case he shall be entitled to his reasonable travelling expenses by cabin passage by sea or first class conveyance by land or air, as the case may be, over and above such pilotage dues and such other sums.

Liability in respect of pilot placed in quarantine.

27. If a licensed pilot is placed in quarantine owing to his having been taken on board any vessel, he shall be entitled to suitable board and accommodation and to the sum of three dollars per day over and above the pilotage dues payable to him from and inclusive of the day on which he is placed in quarantine up to and inclusive of the day on which he is discharged therefrom; and, if he is not discharged at St. John's, then up to and inclusive of

such day as will allow him sufficient time to return thereto, in which case he shall be entitled to his reasonable travelling expenses by cabin passage by sea or first class conveyance by land or air, as the case may be, over and above such pilotage dues and such other sums.

Publication of regulations and bye-laws; coming into effect.

28. All regulations and bye-laws made under the provisions of this Act shall be published in the Newfoundland Gazette and shall be effective as from the date of such publication or such other date as may by such regulations or bye-laws be prescribed.

Regulations and bye-laws in First Schedule and Second Schedule respectively to have effect.

29. Until repealed in whole or in part, or amended, as the same may be from time to time, by regulations or bye-laws made under the provisions of this Act the regulations set forth in the First Schedule to this Act and the bye-laws set forth in the Second Schedule to this Act shall have effect and shall apply and may be referred to as regulations and bye-laws under this Act.

Respecting violations of Act and Regulations.

30. Any person who is guilty of an offence against this Act or of any regulations made thereunder or who acts in contravention of or fails to comply with any provision of this Act or of any regulations made thereunder or neglects or refuses to do so shall be liable on summary conviction before a Stipendiary Magistrate to a fine not exceeding five hundred dollars (except in cases where any other penalty is specifically provided) or in default of payment to imprisonment for a term not exceeding one year.

Repeal.

31.—(1) The Acts mentioned in the Third Schedule hereto are hereby repealed to the extent set forth in the third column thereof.

(2) All regulations and bye-laws made under the authority of any of the Acts mentioned in the Third Schedule hereto are hereby repealed.

32. This Act may be cited as the Port and Harbour of St. John's Act, 1946.

FIRST SCHEDULE

First Schedule

REGULATIONS

General

1.—(1) It shall be the responsibility of the master of every vessel in the Port to see that his vessel is anchored or moored in accordance with the direction of the Harbour Master, who shall have power to give directions to the intent that—

(a) the fairway of the Narrows and the entrance of the Harbour be kept clear for the safe ingress and egress of vessels;

(b) the approaches to wharves be kept clear for all vessels when necessary;

(c) the usual or other anchoring ground for ships of war be kept clear on their arrival and during their stay in port;

(d) sufficient space and anchoring ground be available for any large vessel entering or staying in port;

(e) the entrance and approach to the public coves in the Port shall be kept clear and unobstructed so that at all times there may be safe ingress and egress thereto and therefrom;

(f) the anchoring ground of any vessel be changed if such anchorage is in violation of any of the provisions of these regulations.

(2) If the master or other person in charge of any vessel fails to comply with or obey any direction given in accordance with this regulation he shall be guilty of an offence against these regulations.

2.—(1) If in the opinion of the Harbour Master any vessel anchored is likely to sink or is abandoned or is likely to become an obstruction to navigation, the Harbour Master may, after giving notice to the owner or agent of such vessel, or without notice if such owner or agent is not known or cannot be located, take charge of and remove such vessel, and may deal with and dispose of such vessel in such manner as the Commission shall think necessary or proper, and all expenses incurred shall be borne by the vessel and her owners and may be recovered with costs in an action at the suit of the Commission.

(2) If any vessel sinks in the Port the owner or agent of such vessel shall upon the order in writing of the Harbour Master immediately raise, remove or destroy such vessel; and in case such owner fails to comply with such order within one month, the Commission may raise, remove or destroy such vessel; and the vessel and the owners thereof shall be liable for the whole cost of such raising, removal or destruction, which may be recovered as a debt in an action at the suit of the Commission.

(3) No person shall abandon, burn or break up any vessel in the Port without the consent in writing of the Harbour Master.

(4) No person shall load on board or discharge from any vessel coals, ballast, stone, sand, gravel, earth or similar articles, without having a sufficient canvas apron or tarpaulin or other sufficient appliances so as to prevent any portion of such articles from falling into the Port.

(5) No person shall throw overboard from any vessel any ballast, stone, sand, gravel, earth or rubbish of any

kind into the Port or at or near the entrance thereof except with the consent of the Harbour Master, and in places, if any, set apart for that purpose by the Commission.

3.—(1) No vessel shall be anchored or moored in such a manner or situation as to be, or in the opinion of the Harbour Master to be likely to be, unsafe or dangerous to any other vessel.

(2) No vessel shall anchor alongside the moorings of His Majesty's ships except in case of extreme necessity and then only temporarily.

(3) Every vessel anchoring in the Port or the approaches thereto shall leave a sufficient fairway for the movement of other vessels both North and South of such vessel, and no vessel when anchored in the Port or the approaches thereto shall have any towline or hawser extending, or be in any way made fast or connected to any wharf or the shore.

(4) No vessel shall have her main spanker or jibboom rigged out except at the risk of such vessel or her owners, and the Harbour Master may order any such vessel to have her spanker or jibboom rigged in.

(5) No person shall leave any vessel anchored in the Port or the approaches thereto without some person in charge by day and by night, or without an anchor light of a type approved by the Harbour Master burning from sunset to sunrise, unless specifically exempted by the Commission.

4. Except under and in accordance with the terms and conditions of a permit obtained from the Harbour Master, it shall not be lawful for the master of a merchant vessel now in or hereafter entering the Port to undertake or auth-

orize or permit to be undertaken any repairs to the boilers or machinery of such vessel if such repairs cause such vessel to be incapable for any period in excess of three hours of being moved under her own power.

Explosives

5.—(1) Every vessel, except vessels armed as provided in paragraph (7) of this regulation, entering the Port and having on board any gunpowder or other explosive, shall in daytime fly a red flag at or near the mast head and shall by night display a red light at least twenty feet above the top deck.

(2) The master of any vessel in the Port having explosives or any explosive substance on board, except such as are kept for the necessary use of the vessel, shall immediately notify the Harbour Master of the nature, quality and quantity of such explosives.

(3) The Harbour Master may direct where any vessel loaded in whole or in part with explosives or inflammable or dangerous goods shall anchor or be moored or discharged, and may order the removal of such vessel from any part of the Port to any other part thereof, or may order the vessel out of the limits of the said Port.

(4) No keg, package or other receptacle containing any explosive or explosive substances—

(a) shall upon discharge be allowed by the consignee to remain on any waterfront premises beyond a period to be specified by the Harbour Master;

(b) shall be brought to or placed by any shipper upon any wharf for shipment unless and until the vessel on which the same is to be shipped is ready to receive the same immediately on board;

(c) shall be allowed by any person to be in any open boat, or upon the deck of any vessel, or upon any wharf, or in or on any vehicle within the Port, except the same be covered and protected by tarpaulins or other sufficient coverings. .

(5) The Harbour Master shall have power to decide whether any particular goods are explosive, inflammable or dangerous, subject to appeal to the Commission.

(6) Every Officer of the Customs or ship's agent to whose notice it shall come from any manifest or otherwise that any vessel has on board explosives or inflammable or dangerous substances shall forthwith notify the Harbour Master of the fact.

(7) This regulation shall not apply to warships or to merchant vessels which may be armed for self-defence or otherwise, under arrangements made by the Lords Commissioners of the Admiralty.

Fire

6. For the purpose of Regulations 7 to 15 inclusive an "explosive and flammable liquid" means one which when vaporized and mixed with air in proper proportion is explosive or flammable.

7.—(1) Before any vessel enters any dry dock, shipbuilding or ship repair plant or any other establishment in the Port for the purpose of undergoing construction work or repairs or alterations of any kind, due diligence shall be used by the owner or operator to free from gas the compartments and pipe lines of such vessel. A certificate prepared by a chemist designated by the Commissioner for Public Utilities (hereinafter called "the chemist") certifying that the compartments are free from dangerous concentrations of flammable, explosive or toxic gases shall be obtained by

the officials of such dry dock, shipbuilding or ship repair plant or other establishment and copies thereof shall be furnished to the master and representative of the owner: Provided that this paragraph shall not apply to a vessel which has to dry dock for examination or bottom painting or enter a repair yard for repairs confined solely to work on the rudder, propellor, tail shaft or other parts remote from the cargo compartments in which case the cargo compartments shall be sealed during the whole time the vessel is in the repair yard.

(2) Nothing contained in paragraph (1) of this regulation shall prohibit the cleaning and gas-freeing of vessels at a place especially set apart for such purpose by a dry dock, shipbuilding or ship repair plant or other establishment.

(3) Nothing contained in paragraph (1) of this regulation shall be construed to prohibit the immediate dry docking of a vessel in a sinking condition or having a seriously damaged bottom making it impractical to clean and gas-free her tanks in advance.

(4) In any place in the Port other than the places set out in paragraph (1) of this regulation, no repairs requiring the use of fire or spark producing tools or equipment shall be made in or around tanks or pump rooms or upon pumps, cargo lines, heater coils or smothering lines or in any space subject to gas emission or accumulation unless such tanks and other spaces shall have been freed of sediment and dangerous concentrations of flammable, explosive or toxic gases and passed as such by the chemist. Where fire or open flame equipment is used the adjacent tanks and spaces shall be filled with water or gas-freed and passed as such by the chemist.

(5) Where repairs are necessary in or around cargo tanks or spaces subject to gas accumulation which do not

require the use of fire or spark producing equipment the tank or space in question shall be cleaned thoroughly and freed of dangerous concentrations of flammable, explosive or toxic gases before proceeding with such repairs.

(6) Overhaul of pumps and pipe lines at sea and emergency repairs necessary to permit the vessel to go forward either at sea or in port where facilities for obtaining a chemist's certificate are lacking, may be executed without such certificate: Provided, however, all other provisions of paragraphs (4) and (5) of this regulation are complied with.

8.—(1) The process of freeing tanks or other spaces of vapour shall be by the steaming method or any other effective method as is permitted in each case by the chemist after examination of the air contained.

(2) An approved gas detector shall be provided at all docks, shipbuilding or ship repair yards or other places where repairs are executed in order to facilitate the frequent determination of gas concentration, which detectors shall be used only by approved persons by and under the general supervision of the chemist.

9.—(1) If the steaming method is used the procedure shall be as follows: tanks shall be closed and live steam blown into the tanks, compartments or spaces to be cleaned for a period of time to be governed by the condition or nature of the oil or other substances contained in such tanks.

(2) Regardless of the method used for freeing tanks of vapour, all pipes leading to or from such tanks, compartments or spaces shall be thoroughly washed out and cleansed and all pipes connecting to other tanks containing oil shall be effectively blanked off and vent pipes shall be proved and left open.

(3) Inasmuch as the time for steaming will be determined by the foregoing, no definite rule is laid down to cover all contingencies but the following table is recommended as covering average conditions:

Where

L—Length of compartment in feet
B—Breadth of compartment in feet
H—Depth of compartment in feet

the time of steaming is arrived at by taking the number of hours given in the table under the actual size of steam connection corresponding to the value given for LxBxH, or the volume in cubic feet of the compartment to be steamed. Size of steam connection at 100 pounds pressure.

Value of LxBxH not exceeding	1 in. hours steaming	1¼ in. hours steaming	1½ in. hours steaming
30,000	20	14	10
40,000	26	18	13
50,000	32	22	16
60,000	38	26	19
70,000	44	30	22

The above calculations are based on a steam pressure of 100 lbs. per square inch.

In steaming tanks the last one-fifth of the steaming period should be carried out with the manhole plates or tank lids opened to the atmosphere.

(4) Upon completion of the operation set out in paragraph (1) of this regulation the tank or space so treated shall have all manhole plates and covers or other openings removed and thoroughly ventilated by means of wind sails, forced or induced draft.

(5) Following the completion of freeing such tanks of vapour, specimens of air shall be taken by the chemist. These specimens shall be analysed and tested by him and, if the tank or space from which the specimens have been taken still contain dangerous concentrations of flammable, explosive or toxic gases, such further steaming or ventilation shall be carried out as recommended by the chemist so that such tanks may be freed of all dangerous concentrations of flammable, explosive or toxic gases.

10. The tests prescribed and required by these regulations shall be made by the chemist and his certificate shall indicate that the tank or space in question has been entered by him, thoroughly examined and found to be free of sediment and dangerous concentrations of flammable, explosive or toxic gases: Provided that where sediment and oil shall have been removed but the chemist considers dangerous regeneration of gas may be possible from unreachable oil remaining in crevices or under scale, he shall note on his certificate the necessity of further testing of such tanks while undergoing repairs and such tests as shall be recommended by him shall be made before completion of the repairs covered by the certificate.

11.—(1) While repairs or cleaning operations (but not the taking of air specimens) are underway a current of air under forced or induced draft shall be continuously circulated through the tank or other space.

(2) Ventilation may be accomplished by wind sails draft forced or indirectly by a blower pump or fan. It is recommended that the compressor or other air unit have a minimum capacity of not less than four hundred cubic feet of free air per minute and that the motor and fan shall be of a type safe for use in hazardous atmospheres.

12.—(1) Open lights or fire shall be kept remote from any opening in any tank or space not conditioned for re-

pair as previously set out in these regulations. Lights carried into such tanks shall be electric and of a type approved for use in gaseous mines. Approved electric hand flashlights may be used as accessories. Where possible repairs shall be made during daylight.

(2) Portable connected electric lamps are prohibited except where cables are protected by a conduit and approved lamps securely attached thereto. Approved self-contained electric battery lamps may also be used.

(3) No repairs of any kind shall be made until the foreman in charge of the work is provided with a permit signed by a person authorized by the Commissioner for Public Utilities. This permit shall not be issued until the tank or compartment or other space has been freed of flammable, explosive or toxic gases and shall be carried by the foreman in charge and shown upon request to anyone in authority. Such permit shall contain such terms and conditions as shall be deemed necessary by the authorized official.

13. Should any emergency require the entering of a tank, compartment or other space before it is thoroughly free of flammable, explosive or toxic gases the person or persons so entering shall be protected by an air hose or a gas mask approved for such purpose by the Government Engineer. A rope shall be attached to the body of each man at work in the tank and each rope shall be held by two or more men outside the tank. Persons at work within the tank shall be under constant attendance so that upon any indication of trouble they may be withdrawn. Oxygen breathing apparatus may be worn for a period of not more than twenty minutes after which it shall be aired for not less than six hours before being used again. Wearers of respiratory apparatus shall be instructed and trained in its use before being permitted to enter a dangerous atmosphere.

14. Whenever any supply of explosive and flammable liquid is stored an adequate quantity of foamite or other medium approved by the Government Engineer for the smothering of oil fire shall be kept immediately available at all times.

15. The following conditions shall be observed during the conduct of welding operations:

(a) Welding operators when engaged in welding work in or in close vicinity of the Port shall follow the procedure outlined by the manufacturer of the apparatus in use in such work insofar as it deals with the sequence of operations in lighting, adjusting and extinguishing blowpipe flames and connecting up the apparatus to the source of gas supply.

(b) No device or attachment facilitating or permitting mixture of air or oxygen with combustible gases prior to consumption, except at the burner or in a standard torch or blowpipe, shall be used unless approved for the purpose by the Government Engineer.

(c) No person shall generate or utilize acetylene at a pressure in excess of fifteen pounds per square inch guage pressure: Provided that this paragraph shall not apply to the storage of acetylene dissolved in a suitable solvent in cylinders.

(d) No person shall in any welding operation use liquid acetylene.

(e) Tests of any piping system or apparatus for leaks shall be made only with soapy water made from grease-free soap.

(f) No lights or other source of ignition shall be permitted near uncapped openings when combustible

gas lines or other parts of equipment are being purged of air or gas.

(g) Every person using metal tools, including the "sparkless" type of such tools, for opening carbide containers or for making repairs shall use the same in such a manner as to avoid causing a spark.

(h) No person shall move any acetylene generator by a crane or derrick while such generator is charged with carbide.

(i) (i) Oxygen cylinders, valves, regulators, hose and other apparatus and fittings shall be kept free from oil and grease.

(ii) No person shall handle any oxygen cylinders, apparatus and fittings with oily hands, oily clothes or greasy materials.

(j) No person shall bring acetylene gas into contact with unalloyed copper, except in a blowpipe or torch.

(k) No person shall lift oxygen cylinders with an electro magnet.

(l) Cylinder valves not provided with fixed handwheels shall have keys or handles affixed on valves, spindles or stems while the cylinders are in service.

(m) It shall not be lawful to support welding or cutting work on compressed gas cylinders or other containers.

(n) It shall not be lawful to use oxygen from a cylinder unless such cylinder is provided with a pressure regulating device intended for that purpose only.

(o) It shall not be lawful to use fuel gas from cylinders through torches or other equipment equipped with shut-off valves unless the pressure is reduced through a suitable regulator attached to the cylinder valve. Pressure adjusting screws on regulators shall always be fully released before the regulator is attached to the cylinder and the cylinder valve opened and the valve on cylinders of compressed gas shall always be opened slowly.

(p) Before a regulator is removed from a cylinder valve the cylinder valve shall be closed and the gas released from the regulator.

(q) Oxygen and fuel gas cylinders and acetylene generators shall be placed at such a distance from the welding position as not to allow them to be unduly heated by radiation from heated materials or by sparks or slag or by misdirection of the torch flame.

(r) If any fuel gas cylinder is found to have leaky valves or fittings which the closing off of the valves will not stop, the cylinders shall be taken into the open away from any source of ignition and slowly drained of gas.

(s) (i) Whenever possible cutting or welding work shall be removed to a distance of not less than thirty feet from a combustible location and where welding or cutting work must be done in the vicinity of combustible material special precautions shall be taken to make certain that sparks or hot slag shall not reach the combustible material.

(ii) Floors, piers, wharves and other similar constructions made of combustible material shall

be protected by a suitable non-combustible material.

(t) All welding operators when engaged in welding or cutting work in or in close proximity to the Port shall be provided with a suitable fire extinguisher of not less than two gallon capacity which shall be available for immediate use at all times and all such operators shall have full knowledge of the method of using such extinguisher.

Oil

16. The master of any vessel shall not permit the bilges of such vessel to be pumped out while the vessel is within the limits of the Port or the approaches thereto, if the bilges of such vessel contain any oil or greasy matter, and no such master or any officer of such vessel shall allow the ballast tanks of the vessel to be cleaned and pumped out within the limits of the Port or the approaches thereto if such ballast tanks have contained oil or other greasy matter.

17. The master of any vessel using or carrying fuel oil shall not permit any such oil to be deposited in any way within the limits of the Port or the approaches thereto.

18. No oil, tar or other like substance nor any inflammable or other dangerous substances, shall be thrown, discharged, drained or allowed to fall, flow or leak into the waters of the Port, and any person contravening this regulation or any person in charge of or owning any vessel, manufactory, works, house, or other premises violating the provisions of this regulation shall be guilty of an offence against these regulations.

19. No person shall use a hose for filling or discharging petroleum products from or to a vessel unless it is of sufficient length, size and suitably supported to prevent undue strain thereon in the event of the said vessel mov-

ing during the loading or discharging operation, and all devices used shall be of such a character as to minimize leakage and be connected through substantial fittings to the satisfaction of the Harbour Master.

20. No person shall permit fuel oil to be fed to the suction pump at a pre-heat temperature higher than its flash point. Open ends of all pipes, hose or other outlets used in delivering oil or petroleum products either to or from any vessel in the Port, shall when not in use be securedly capped. Piping on vessels being supplied with oil and on barges or other vessels used for delivery of oils shall be equipped, at the point where hose connection is made, with approved shut-off valves, so located as to be readily accessible in emergency.

21. No person shall use a scow, barge or vessel for transporting gasolene, oil, or petroleum products of any kind, in, on or about the Port without first having the same duly examined and approved by the Harbour Master as satisfactory for that purpose, and the said scow, barge or vessel shall be examined and approved annually.

22. No person shall use a vessel for carrying oil for fuel unless the said oil is carried in steel or iron tanks.

Encroachments

23.—(1) If any person shall, without the prior consent in writing of the Commission—

(a) encroach upon, take possession of, or use any part or portion of the public property or of any lands or beaches below high water mark in the Port;

(b) erect, build, put or place any building, stage, wharf, pier, breastwork, block, store, flake or other erection in the Port;

(c) extend, widen or enlarge any premises, building, store, wharf, pier, breastwork, block, stage, flake, or other erection whether now existing or which may be hereafter built or erected in the Port,

such person and his employer, and the owner of any such erection or premises aforesaid or the agent of such owner shall be guilty of an offence against these regulations.

(2) In any such case aforesaid the Commission may notify or direct such person or his employer or such owner or agent, or any of them, to discontinue, take down or remove any such encroachment, building, erection or extension aforesaid and, in case of refusal or neglect to obey such notification or direction, the Commission or any member thereof or others by their authority may enter upon any lands or premises in, adjoining or adjacent to the Port and may take down, dismantle or remove any such encroachment, building or erection, or any part or parts thereof and may dispose of the same as the Commission may think fit, and at the risk, cost and charges of such person or his employers, or such owner or agent, which cost and charges may be recovered as a debt by action at the suit of the Commission; and such remedy shall be in addition to any other penalty provided for breach or violation of these Regulations.

Harbour Dues

24. The following Harbour dues shall be paid by vessels arriving at the Port at the time of their being entered at the Custom House, except ships of war, vessels exempted by any statute or regulation from time to time in force in Newfoundland or by treaty, and vessels solely engaged in the coasting trade or fishery, namely:

Every vessel of sixty tons and not more than one hundred tons—Two dollars.

Every vessel of more than one hundred tons and not more than two hundred tons—Three dollars.

Every vessel of more than two hundred tons and not more than three hundred tons—Four dollars.

Every vessel of more than three hundred tons and not more than four hundred tons—Five dollars.

Every vessel of more than four hundred tons and not more than five hundred tons—Six dollars.

Every vessel of more than five hundred tons and not more than six hundred tons—Seven dollars.

Every vessel of more than six hundred tons and not more than seven hundred tons—Eight dollars.

Every vessel of more than seven hundred tons and not more than eight hundred tons—Nine dollars.

Every vessel of more than eight hundred tons and not more than nine hundred tons—Ten dollars.

Every vessel of more than nine hundred tons and not more than one thousand tons—Eleven dollars.

Every vessel of more than one thousand tons—Twelve dollars.

Provided that no ship shall be compelled to pay Harbour dues more than once in every half year, namely once between the first day of January and the thirtieth day of June, inclusive, and once between the first day of July and the thirty-first day of December, inclusive.

Mooring Trot System

25.—(1) The Commission shall have power to estab-

lish and put into effect within the Port a system for the mooring of vessels in the Port.

(2) The Commission, or any person authorized by the Commission, shall have power—

(a) to direct that any vessel entering or at the Port be moored in accordance with such system;

(b) to direct that any vessel moored in accordance with such system be moved from her moorings and remoored either at her former anchorage or any other anchorage in the Port to permit the passage of movement of any other vessel or for any other purpose necessary to the control or dispatch of shipping in the Port, the charges for such moving being borne by the vessel so moved.

(3) If the master or other person in charge of such vessel or the person having the management thereof fails to comply with or obey any direction so given under this regulation he shall be guilty of an offence against these regulations.

(4) The master or other person in charge of any vessel moored pursuant to a direction under this regulation, or the person having the management thereof, shall pay to the Commission the fees or sums in accordance with those set forth in the scale of rates for all mooring and unmooring of the said vessel as follows:

Scale of fees payable for the mooring and unmooring of vessels on the St. John's Mooring Trot System.

Berth Rentals: Each vessel using the system shall pay a berth charge at the rate of $10.00 per day or fraction of a day.

Mooring and unmooring charges:

(a) First mooring and unmooring charge $50.00

(b) Any subsequent mooring and unmooring at system while vessel remains in port $25.00

(c) A vessel moved temporarily from buoys to permit another vessel to come off the system $25.00

(d) If head lines or stern lines only have to be tended to accomplish movement referred to in item (c) $15.00

(e) Any vessel leaving the Port and returning more than twenty-four hours after so leaving shall pay the initial charge, i.e. $50.00

(f) Any vessel leaving the Port and returning less than twenty-four hours after so leaving shall pay the charge for subsequent mooring and unmooring i.e. $25.00

(g) In the event of any master requiring additional mooring lines to buoys whilst on the system the charge per line shall be $5.00

Harbour Boats

26.—(1) No boat shall be used to carry passengers for hire or reward, or be used by employers for carrying workmen or employees to or from their work in the Port, unless there has been issued in respect of such boat to the master or owner thereof a licence by the Harbour Master.

(2) Applications for such a licence shall be made on a form to be prescribed by the Harbour Master and all information required by such form shall be set forth by the applicant.

(3) Every boat licensed under these regulations shall be licensed for a stated number of passengers and no boat so licensed shall carry more passengers than the number for which it is licensed.

(4) Every licence issued under these regulations shall be valid for a period of six months next ensuing after the date of issue.

(5) No licence shall be issued under these regulations unless the boat in respect of which a licence is applied for shall—

(a) be staunch, tight and strong and shall carry—

(i) two good serviceable oars;

(ii) a rudder and tiller in good condition; and

(iii) a pump to drain the bilges.

(b) carry such lights and in such manner and at such times as are required by the regulations for Preventing Collisions at Sea made under Section 418 of the Merchant Shipping Act, 1894, and published in the Newfoundland Gazette on the 25th day of February, A.D. 1941;

(c) carry a sufficient number of life belts to provide one for each person authorized to be carried and an approved life buoy with at least fifteen fathoms of suitable rope attached. Such life belts shall be kept in a place or in places easy of access so that they will be readily available in an emergency.

(d) carry two proper boat hooks in good condition placed forward and aft, one on each side of the boat;

(e) carry an approved anchor or grapnel fitted with an approved rope or chain cable of suitable length and proportionate to the size of the boat;

(f) carry two flashlights of a make approved by the Harbour Master in good working order and of sufficient power to be used as signal lights when necessary;

(g) carry an axe and two fire extinguishers of a make approved by the Harbour Master.

(6) Every boat licensed under these regulations shall at all times comply with the provisions of subparagraphs (a), (b), (c), (d), (e), (f) and (g) of paragraph (5) of this regulation.

(7) No boat shall be licensed under these regulations unless the person in charge, and, if the boat be a motor boat, the engineer, has been vouched for in writing, as to sobriety, competency for the position and general character, to the satisfaction of the Harbour Master by a reliable person having knowledge of such matters and no person other than a person vouched for under this regulation shall act as master or engineer of any boat licensed under these regulations.

(8) Every boat licensed under these regulations shall at all times carry such identification flags and marks as shall be decided by the Harbour Master and display the licence issued in a prominent place.

(9) The Harbour Master, or any person authorized by him, or any police constable, may at any time go on board and inspect any boat required to be licensed under these regulations.

(10) Nothing in these regulations shall be construed so as to affect the obligations of the master or owner of

any boat licensed under these regulations to comply with the regulations for Preventing Collisions at Sea made under Section 418 of the Merchant Shipping Act, 1894, and published in the Newfoundland Gazette on 25th day of February, A.D. 1941.

(11) The Harbour Master may refuse to issue a licence applied for under these regulations if the boat in respect of which such licence is applied for does not comply with any of these regulations, and may cancel a licence issued under these regulations if the person to whom such licence has been so issued is convicted of a breach of any of these regulations.

(12) No person shall operate a boat in the Port recklessly or in a manner dangerous to persons in such boat or to other persons or boats in the said Port.

27. These regulations may be cited as the Port and Harbour of St. John's Regulations, 1946.

Second Schedule.

SECOND SCHEDULE

Bye-Laws Of The St. John's Pilotage District

1.—(1) *Inward and Outward Pilotage Dues*: Subject as hereinafter provided, all vessels shall pay inward and outward pilotage dues at the following rates:—

By vessels under eighty tons ..... $ 6.75

By vessels of eighty tons or over but less than one hundred tons $8.75

By vessels of one hundred tons or over but less than one hundred and twenty tons $9.65

By vessels of one hundred and twenty tons or over but less than one hundred and sixty tons $10.00

By vessels of one hundred and sixty tons or over but less than two hundred tons $10.70

By vessels of two hundred tons or over but less than two hundred and forty tons $11.70

By vessels of two hundred and forty tons or over but less than two hundred and eighty tons $15.00

By vessels of two hundred and eighty tons or over but less than three hundred tons $16.00

By vessels of three hundred tons or over but less than three hundred and fifty tons $19.00

By vessels of three hundred and fifty tons or over but less than four hundred tons $22.00

By vessels of four hundred tons or over but less than five hundred tons $25.00

By vessels of five hundred tons or over but less than six hundred tons $31.00

By vessels of six hundred tons or over but less than seven hundred tons $35.00

By vessels of seven hundred tons or over but less than eight hundred tons $40.00

By vessels over that size, for every one hundred tons or fraction of one hundred tons additional, two dollars: Provided that the pilotage paid shall not exceed forty dollars at any one time in the case of a sailing vessel and eighty dollars at any one time in the case of a steamer.

In the case of disabled ships in tow, pilotage shall be payable as follows:

(a) pilotage inwards for the disabled vessel shall be one and a half times the pilotage payable for the said vessel calculated in accordance with the foregoing scale of rates;

(b) a towing tug shall pay inward and outward pilotage calculated in accordance with the foregoing scale of rates: Provided that if the said towing tug shall not have a nett tonnage, or if the nett tonnage cannot be ascertained, the charge for inward and outward pilotage shall be $30.00;

(c) harbour tugs employed to assist the disabled vessel in entering or leaving the Port shall pay pilotage at the rate of $15.00;

(d) a vessel having been disabled and in tow entering the Port shall not be required to pay further pilotage when proceeding outward, if no longer disabled, but if still disabled and in tow shall pay outward pilotage calculated at one-half the rate of the pilotage for the said vessel in accordance with the foregoing scale of rates.

Vessels employed in the fisheries of Newfoundland, owned and registered in Newfoundland, and coasting vessels owned and registered in Newfoundland shall be exempt from compulsory pilotage dues for inward and outward pilotage except when entering the Port with cargo loaded at a foreign port or leaving the Port for a foreign port, in which case pilotage at the rates set forth in the foregoing scale shall be paid: Provided that such vessels which take pilots upon entering or leaving the said Port but without having cargo loaded at or destined for a foreign port, shall pay pilotage at half the rate for such vessels calculated in accordance with the foregoing scale of rates.

Coastal steamers owned and registered in Newfoundland shall also be exempt.

Subsidized mail steamers trading with Newfoundland while plying to and from foreign ports shall pay on their horsepower at the rate of eight cents for each horsepower.

The above scale of pilotage shall be payable on the net register tonnage of all such vessels, as ascertained before going out of the Port: Provided that there shall be paid by vessels which have not a net tonnage or of which the net tonnage cannot be ascertained the sum of $30.00.

In addition to the amounts payable above for inward and outward pilotage, the Commission shall collect a sum equal to ten per centum of the rate payable on all vessels entering or leaving the Port.

(2) *Harbour Moving Fees*: It shall be compulsory for all vessels to have a licensed pilot and pay fees as outlined below when moving within the Harbour Limit: Provided that vessels of Newfoundland registry of less than 800 nett registered tons shall not be required to take a pilot for such moving. In the event however of such vessels requiring pilots they shall pay moving fees at the rates applicable to non-exempted vessels of a similar tonnage.

Moving fees shall be paid as follows:

(a) Vessels over 1000 tons shall pay $20.00 for each moving.

(b) Vessels of 1000 tons or under shall pay $10.00 for each moving except those involving mooring on the Mooring Trot System, in which case the fee shall be $20.00.

(c) Vessels adjusting compass within the Harbour Limit shall pay a fee of $30.00; this fee to include

the re-berthing of the ship anywhere in the Harbour Limit.

(d) Vessels adjusting compass, engaging in trial runs or making other necessary trials outside the Harbour Limit and returning, shall pay a fee of $20.00 in addition to full inward and outward pilotage and an additional fee of $20.00 if the vessel has to be moored on the Mooring Trot System.

(3) *Special Services*: If the master of a vessel requests the services of a pilot for any purpose not covered in paragraphs (1) and (2) of this bye-law, (including, without prejudice to the generality of the foregoing, services rendered in standing by on board during the moving of other vessels or during bad weather) a fee of $10.00 for the first four hours or fraction thereof and of $3.00 for each additional hour or fraction thereof shall be paid.

Control Of Pilots

2. The Harbour Master shall control the pilots and pilotage in the District, and shall act as the representative of the Commission.

Collection of Pilotage Dues and Moving Fees

3.—(1) The master of every vessel liable for the payment of pilotage dues or moving fees shall sign and hand a certificate of pilotage dues and moving fees payable to the pilot who shall also sign and hand it to the Harbour Master. The Harbour Master shall be responsible for the collection of such dues and fees.

(2) (a) All moneys collected under and by virtue of these bye-laws shall form part of the funds of the Commission, and it shall be the responsibility of the Commission to pay over to the pilots at the

times and in the manner as may from time to time be arranged between the pilots and the Commission all pilotage dues and moving fees collected. The ten per centum collected on inward and outward pilotage dues shall, however, be retained by the Commission.

(b) The ten per centum collected on inward and outward pilotage dues shall be used for paying the general expenses of the District, and, without prejudice to the generality of the foregoing, the expenses chargeable shall include, among other things, the purchase, charter or hire of pilot boats and the maintenance, operation and repair of same; for the payment of necessary help, including salaries and the expenses of clerical staff, and for the establishment of trust accounts for licensed pilots.

(c) Any surplus remaining after the expenses as enumerated in (a) and (b) above have been provided for, shall be the property of the Commission.

Master Pilots

4. The pilots in the District shall appoint in April of each year two Master Pilots who shall be recognized by the Commission as representing the said pilots in all matters affecting them, collectively and individually, and any representations to the Commission by the pilots collectively or individually shall be made through the Master Pilots. The Master Pilots shall cause to be maintained at the Pilot Station an attendance book in a form to be prescribed by the Harbour Master in which each pilot shall sign his name and note the time at which he comes on or off duty. In addition it shall be the duty of the Master Pilots to report in writing to the Harbour Master—

(a) all absences from duty of pilotage personnel;

(b) all breaches of the regulations made hereunder regarding the conduct of pilotage personnel.

Number Of Pilots

5. The number of pilots, whether permanent or temporary, to be licensed in the District shall be determined by the Commission from time to time.

Pilots' Licences

6.—(1) The Examiners for Pilots' Licences shall be the Board of Examiners for Masters and Mates for Newfoundland.

(2) The examination of candidates for Pilots' Licences shall test the candidates knowledge in respect of—

(a) local knowledge of the whole District which shall include depth of water, chart work, tides, aids to navigation, signalling, etc.;

(b) working knowledge of the International Rules of the Road, using models;

(c) Quarantine, Harbour and Port Regulations, and any other subjects appertaining to the duties of a pilot considered necessary.

(3) Every applicant shall be subject to examination by the Board as regards eye-sight, colour vision, form vision and hearing. He may also be subjected to a full medical examination if it is considered necessary.

Pilots' Trust Accounts

7.—(1) The Commission may establish for each permanent licensed pilot a trust account which shall be opened in the Newfoundland Savings Bank in the names of the Chairman of the Commission and such pilot jointly, into which the following amounts shall be deposited by the Commission:

(a) the amount of fifty dollars per annum which shall be paid by such pilot to the Commission on or before the thirtieth day of June in each and every year, the first of such payments to be made on or before the thirtieth day of June following the establishment of the account;

(b) such amount not exceeding fifty dollars per annum as the Commission may decide out of the balance arising under bye-law 3 hereof, after making provision for defraying the expenses enumerated in subparagraph (b) of paragraph (2) of the said bye-law, the first amount under this subparagraph to be deposited to the credit of the said account on the thirtieth day of June following the establishment of the account; and

(c) such additional amounts as may from time to time be paid by such pilot to the Commission for deposit to the credit of such account.

(2) The amount to be deposited annually by the Commission under subparagraph (b) of paragraph (1) hereof shall not be deposited unless the licensed pilot shall have paid to the Commission the amount specified in subparagraph (a) of paragraph (1) hereof, or unless the payments made to the Commission under subparagraph (c) of paragraph (1) hereof shall equal or exceed the amount due under subparagraph (b) of paragraph (1) hereof.

8.—(1) The Chairman of the Commission shall retain the custody of each bank deposit book until such time as the pilot for whom the account has been established shall as hereinafter provided become entitled to the said book: Provided that such pilot shall, at any reasonable time and upon application to the Chairman, be entitled to inspect the said book.

(2) All withdrawals from the account of a pilot established hereunder shall, prior to the transfer of the account to such pilot, be made by the Chairman of the Commission.

(3) Each pilot shall immediately upon the establishment of an account for him under the provisions of this bye-law give the Chairman of the Commission notice in writing under the hand of the said pilot that, in the event of his demise while holding a licence as a licensed pilot, the amount to the credit of such account shall be paid to such person or persons and in such manner as the pilot shall in such notice designate and direct: Provided that the pilot while licensed may at any time by similar notice to the Chairman of the Commission designate any other person or persons in addition to or in substitution for any of the persons already named and direct the manner of payment to such person or persons: And provided further that if any designated person or persons shall predecease the pilot the share which such person would have received if living shall accrue to the other designated person or persons by survivorship: And provided further that in the event of the death of such person or persons so designated before the death of the licensed pilot and if there be default on the part of the licensed pilot to designate any other person or persons the Chairman of the Commission shall pay the balance standing to the credit of such pilot in such account to the legal representative of such pilot: And provided further that the last notice given under this section shall be binding and obligatory upon the Chair-

man of the Commission until transfer of the account to such pilot.

9.—(1) If the licence of any licensed pilot shall not be renewed or if such certificate shall be withdrawn or if any licensed pilot shall withdraw from the service or neglect to obtain a renewal of licence from the Commission within one month after the expiry of any annual licence held by him the Chairman of the Commission shall withdraw from the account held for such pilot the amount standing to the credit of such account less such amounts as have been paid to the Commission by the pilot and deposited to the credit of such account with the interest accrued on such amounts and credited to such account and the Chairman of the Commission shall upon such withdrawal transfer the balance of the account into the name of such pilot and deliver to him the bank pass book in respect of such balance and the Chairman of the Commission shall pay the amount withdrawn by him to the Commission.

(2) If with the consent of the Commission any pilot shall because of age, infirmity or incapacity, cease to follow the occupation of a pilot or if the Commission shall not renew the certificate of any pilot because of age, infirmity or incapacity, the Chairman of the Commission shall transfer the whole of the said account into the name of such pilot to be his absolutely.

(3) If any pilot from whose account withdrawal under paragraph (1) of this bye-law shall have been made shall again receive a licence as a licensed pilot, or a renewal of licence as such pilot, he shall be deemed to be a new pilot for the purpose of the establishment of a trust account.

10. Any moneys previously paid into any trust accounts for pilots, established under the authority of the Acts listed in the Third Schedule hereto or of any regulations

or bye-laws made under the authority of any such Acts, shall be held to have been paid into such accounts under the provisions of these bye-laws and the said provisions of these bye-laws shall apply thereto as if such payment had been thereunder.

Pilots To Report

11. Every licensed pilot shall report in writing to the Harbour Master whenever he is temporarily or permanently unfit, through defective eye-sight, hearing or other physical defects, for the efficient performance of his duties.

Use Of Liquor Or Narcotic Drugs Prohibited

12.—(1) The consumption of intoxicating liquor or the consumption or use of narcotic drugs by pilots, while on duty or about to go on duty, is prohibited and the licence of any pilot contravening the provisions of this paragraph shall be withdrawn by the Commission.

(2) The consumption of intoxicating liquor or the consumption or use of narcotic drugs by pilots on shore, if such consumption or use prevents good conduct and constant attendance to and effectual performance of their duty on board or on shore, is prohibited and the licence of any pilot contravening the provisions of this paragraph may be withdrawn by the Commission.

Behaviour

13. Every pilot shall be civil and courteous on duty and shall exercise the utmost care and diligence in the safe conduct of the vessel under his charge whether in tow or not, and shall exercise the utmost care to prevent her from doing damage to others.

Requirements Of Pilots When On Duty

14. Every pilot when on duty shall have with him his licence which must be shown to the master of the vessel when he goes on board together with a copy of the pilotage rates of the District and any other documents prescribed by the Harbour Master, and shall keep himself conversant with the regulations governing the port and harbour within the District including the relevant regulations of the Commission.

Shipping Casualties

15. Whenever a collision occurs to any vessel with a pilot on board or any accident out of the ordinary occurs in connection with the navigation of such vessel, or whenever any violation of law or regulations on the part of other vessels is noticed, the pilot shall report the same immediately to the Harbour Master by whatever means are available and if necessary supplement his report in writing.

Direction By Harbour Master

16.—(1) Every pilot shall at all times conform strictly to all directions which shall be given by the Harbour Master, touching the mooring or unmooring, placing or removing of any vessel, lying and situated within the limits of the authority of the Harbour Master.

(2) Pilots shall notify the Harbour Master whenever there is any obstruction of any nature whatsoever likely to obstruct navigation within the limits of his jurisdiction.

Mooring In Harbour

17. Every pilot in charge of any vessel shall, unless he is sooner discharged by the master, remain on board until

the vessel has been secured in her berth, safely anchored, or until the vessel is so berthed to or alongside any wharf.

Pilot Flag

18. Every pilot must fly on the jumper, stay or some other conspicuous place on the vessel which he is piloting, the regular pilot flag, viz., the letter "H" of the INTERNATIONAL CODE OF SIGNALS.

Aids To Navigation

19. Every pilot shall report immediately to the Harbour Master in writing any of the aids to navigation that are out of position or missing in the District.

Fines and Suspensions

20.—(1) The Commission may impose a fine of not more than ten dollars on a pilot for insubordination, misbehaviour, malingering, neglect of duty, negligence in the performance of his duty or a breach of any of these or any other bye-laws made under the authority of the Act, together with, in the case of a continuing breach, a further fine not exceeding twenty dollars for every twenty-four hours during which such breach continues.

(2) No such fine or fines shall be imposed unless the pilot has been given an opportunity to be heard personally or in writing.

(3) The Commission may, if in its opinion the evidence so warrants, in addition to or in lieu of any fine or fines imposed under paragraph (1) of this bye-law, suspend or dismiss the pilot; and may suspend or dismiss a pilot for any other cause which appears to the Commission to merit suspension or dismissal.

(4) All fines imposed under the foregoing paragraphs of this bye-law shall be retained by the Commission until the end of each year, at which time the sums accumulated shall be deposited in the trust accounts of the individual pilots in such proportions as the Commission may direct.

Arbitration

21. Any questions or disputes arising between pilots, masters of vessels and others, respecting pilotage or moving dues or for any extra remuneration in cases of an extraordinary nature, and all other questions and disputes between them, respecting salvage or otherwise, shall be submitted to the Commission to be adjusted and decided by it, and the decision of the Commission or of a majority of members thereof respecting all such questions and disputes where the amount of the award does not exceed one hundred dollars, shall be final and binding on all parties; and every licensed pilot who shall act contrary to this bye-law, or shall refuse or neglect to appear before the Commission, after twenty-four hours' notice, when his attendance shall be required before it on any occasion, shall be deemed to have committed a breach of these bye-laws.

22. Whenever the amount of any award made by the Commission under the provisions of Bye-law 21 hereof shall exceed one hundred dollars, any party feeling himself aggrieved may appeal from the decision of the Commission to the Supreme Court, upon giving sufficient security to prosecute the appeal within a reasonable time and to abide by and to perform such judgment or order as may be made thereon.

23. These bye-laws may be cited as the St. John's Pilotage District Bye-Laws, 1946.

Third Schedule.

THIRD SCHEDULE

Session or Year and Chapter	Title or Short Title	Extent of Repeal
1. 19 Geo. V, Cap. 8	An Act Respecting Harbour Regulations for the Port of St. John's.	The whole Act
2. The Act No. 33 of 1940.	An Act to amend the Act 19 George V, Chapter 8, entitled "An Act Respecting Harbour Regulations for the Port of St. John's".	The whole Act
3. The Act No. 6 of 1941.	An Act to amend the Act 19 George V, Chapter 8, entitled "An Act Respecting Harbour Regulations for the Port of St. John's".	The whole Act
4. The Act No. 10 of 1943.	An Act Further to Amend the Act 19 George V, Chapter 8, entitled "An Act Respecting Harbour Regulations for the Port of St. John's."	The whole Act

AN ACT FURTHER TO AMEND CHAPTER 43 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE PHARMACEUTICAL SOCIETY AND SALE OF DRUGS".

[1st March, 1946]

SECTION
1.—Amdt. Sec. 4.
2.—Amdt. Sec. 12; subsection (2) added.
SECTION
3.—Repeal and substitution Sec. 14.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1945.

Amdt. Sec. 4.

1. Section 4 of Chapter 43 of the Consolidated Statutes (Third Series) entitled "Of the Pharmaceutical Society and Sale of Drugs" is hereby amended by striking out the word "January" and substituting therefor the word "April".

Amdt. Sec. 12; subsection (2) added.

2. Section 12 of the said Chapter is hereby amended by renumbering the same as 12.—(1) and adding thereto as subsection (2) the following:

Repeal and substitution Sec. 14.

(2) Every person, firm or company carrying on the business of a pharmaceutical chemist, or chemist, or druggist shall on or before the thirty-first day of December in each year pay to the Registrar the sum of ten dollars in respect of each premises in which the said business is carried on.

3. Section 14 of the said Chapter is hereby repealed and the following substituted therefor:

14. It shall not be lawful for any person registered under this Chapter to carry on the business of a pharmaceutical

chemist, or chemist, or druggist unless in every premises in which the business is carried on the business is bona fide conducted by himself or some other person registered under this Chapter.

AN ACT FURTHER TO AMEND THE ST. JOHN'S MUNICIPAL ACT, 1921.

[1st March, 1946]

SECTION 1.—Repeal and substitution: Sec. 24 of The St. John's Municipal Act, 1921; remuneration of Mayor and Councillors.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

A.D. 1946.

Repeal and substitution: Sec. 24 of The St. John's Municipal Act, 1921; remuneration of Mayor and Councillors.

1. Section 24 of The St. John's Municipal Act, 1921, as amended by the Act No. 21 of 1938, is hereby repealed and the following substituted therefor:

24.—(1) Out of the funds at the disposal of the Council the Mayor shall be paid a salary of twenty-four hundred dollars per annum, and each of the Councillors shall be paid a salary of twelve hundred dollars per annum.

(2) The said salaries shall be paid monthly, and shall be deemed to have become payable from the first day of January, 1946.

AN ACT TO REPEAL CHAPTER 64 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE REBUILDING OF HARBOUR GRACE" AND ACTS IN AMENDMENT THEREOF.

[1st March, 1946]

SECTION
1.—Repeal.
2.—Saving of matters done under Act No. 43 of 1944.
SECTION
3.—Actions, etc., under Act No. 43 of 1944; how taken; how Act construed.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal.

1. Chapter 64 of the Consolidated Statutes (Third Series) entitled "Of the Rebuilding of Harbour Grace", and the Act No. 43 of 1944 entitled "An Act to amend Chapter 64 of the Consolidated Statutes (Third Series) entitled "Of the Rebuilding of Harbour Grace" are hereby repealed, without prejudice to anything done or suffered thereunder, or any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder.

Saving of matters done under Act. No. 43 of 1944.

2. All matters and things done under the said Act No. 43 of 1944 by the Commissioner for Public Health and Welfare or by any person or body appointed by him shall be deemed to have been lawfully done.

Actions, etc., under Act No. 43 of 1944; now taken; how Act construed.

3. All actions, suits, prosecutions, or other proceedings whatsoever, arising under the said Act No. 43 of 1944, shall be taken in the name of the Town of Harbour Grace and that Act shall be construed as if the said Town were named therein instead of the said Commissioner.

AN ACT TO INCORPORATE THE TOWN OF BELLEORAM.

[11 March, 1946]

SECTION

1.—Name of Town.
2.—Boundaries of Town.
3.—Town Council constituted.
4.—Qualifications of Councillors.
5.—(1) Appointment of first Council.
(2) Term of office.
(3) Vacancies.
6.—(1) Appointment and election of members of second Council.
(2) Retirement of three members after four years.
(3) Re-appointment of four members for two years.
(4) Vacancies.
(5) Publication of appointments.
(6) Election of Councillors to replace those retiring.
(7) Term of office of elected Councillors.
7.—Election of Councillors, and subsequent term of office thereof.
8.—Bye-elections.
9.—Retiring Councillors eligible for re-appointment or re-election.
10.—Qualifications of voters.
11.—(1) Regulations for holding of elections.
(2) Costs of elections.
12.—(1) Appointment of chairman and vice-chairman.
13.—Vacation of office by Councillors.
14.—Duties of chairman and vice-chairman.
15.—Quorum and voting.
16.—Council to regulate its proceedings.
17.—Financial year of Council.
18.—(1) Town Fund.
(2) Bank account.
19.—Yearly budget to be submitted.
20.—Revised budget may be submitted during financial year.
21.—(1) Budget to be approved.
(2) Approval withdrawn when budget revised.
22.—Council's expenditure limited to budget.
23.—(1) Record, accounts and report.
(2) Report to include financial statements.

SECTION

(3) Signing of account and auditor's certificate.
(4) Publication of account and auditor's certificate and report.
24.—(1) Appointment of auditors.
(2) Powers of auditor.
(3) Auditor's interim report.
(4) Auditors' report on yearly account.
25.—Appointment of officers and servants.
26.—Meetings to be public ordinarily.
27.—Bi-monthly meetings to be held.
28.—Special meetings.
29.—Control of building, sanitation and water supply.
30.—Penalty.
31.—Removal of building, etc., erected otherwise than under permit.
32.—Discovery and removal of nuisances.
33.—Destruction of burnt, dilapidated or dangerous buildings.
34.—Roads, streets and bridges.
35.—Breaking of streets, erection of scaffolding, etc.
36.—(1) Establishment and maintenance of drains, sewers and water supply pipes.
(2) Expropriation of drains and sewers.

SECTION

37.—Right to enter and survey.
38.—(1) Right to enter and construct sewers, etc.
(2) Diversion of watercourses.
39.—(1) Right to exclusive use of certain waters.
(2) Control of land around certain waters.
40.—Regulations.
41.—Stock tax.
42.—Business tax.
43.—Amount of tax; hearing by Council of person aggrieved.
44.—Entertainment tax.
45.—Sundry taxes.
46.—Penalty for operating without payment of tax or licence fee.
47.—Taxes to be settled annually.
48.—Prohibition of exemption or remission from taxes save with approval of Governor in Commission.
49.—Interest on taxes in arrears.
50.—Publication of taxes; consent or approval of Governor in Commission thereto.
51.—Contracts.
52.—Actions; notice of.
53.—Power to borrow.
54.—Power of expenditure.
55.—Investigations.
56.—Governor in Commission may depute powers to Commissioner.
57.—Short title.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Name of Town.

1. The town or settlement (in this Act hereinafter referred to as "the Town") situated within the boundaries hereinafter defined shall be named Belleoram.

Boundaries of Town.

2. The boundaries of the Town shall be as follows: Commencing at the lighthouse on the Point of Beach Belleoram, and proceeding along the shore to Belleoram Back Cove thence in a straight line northwest to Belleoram Hill, thence northwest by north in a straight line to Big Hill, thence northeast in a straight line to Beaver Barren Hill thence southeast in a straight line to the Belleoram-Corbin Road and thence south southeast to the waters of Belleoram Harbour and to the point of commencement.

Town Council constituted.

3. There shall be a Town Council for the control and management of the Town consisting of seven persons which shall be a Corporation having perpetual succession and a common seal and which shall be capable of suing and being sued in the name of the Town of Belleoram.

Qualifications of Councillors.

4. Any person shall be qualified to be appointed or elected as a Councillor, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year immediately preceding appointment or the date set for the election as the case may be; and

(c) is liable to taxation under this Act; and

(d) is not indebted to the Council for any arrears of taxes; and

(e) is not disqualified by mental incapacity.

Appointment of first Council.

5.—(1) The first Council shall be appointed by the Governor in Commission.

Term of office.

(2) The term of office of the first Council shall be four years from the time of appointment and such further time, not exceeding six months, as shall be determined by the Governor in Commission.

Vacancies.

(3) The Governor in Commission may make any appointment necessary to fill any vacancy in the first Council during the said term of office.

Appointment and election of members of second Council.

6.—(1) The membership of the Council which shall take office upon the expiration of the term of office of the first Council shall be determined in the manner hereinafter in this section provided.

Retirement of three members after four years.

(2) In the last month of the fourth year of the term of office of the first Council or at such other time as shall be appointed by the Governor in Commission the Council shall draw lots for the retirement of three of its members and shall notify the names thereof to the Governor in Commission.

Re-appointment of four members for two years.

(3) The Governor in Commission shall re-appoint to the Council to hold office for a further period of two years the members of the first Council whose names have not been notified as subject to retirement and in the event that any of such members shall be unable or unwilling to act the Governor in Commission may appoint others in their stead for such term.

Vacancies.

(4) If the office of any of the members of the Council appointed under subsection (3) of this section shall become vacant during the said term of two years, the Governor in Commission may appoint a person in his stead for the remainder of the said term.

(5) The appointments made under subsection (3) of this section shall be published in the Newfoundland Gazette prior to the expiration of the term of office of the first Council. Publication of appointments

(6) Subsequent to the publication of the names of the four appointed members as hereinbefore provided, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of elections of members to replace the retiring members of the Council. Election of Councillors to replace those retiring.

(7) The members elected to replace the retiring members as provided in subsection (6) of this section shall hold office for a period of four years. Term of office of elected Councillors.

7. Upon the expiration of the term of office of members appointed by the Governor in Commission under the last preceding section, an election shall be held for the selection of four members to replace them, who shall hold office for a period of four years. Thereafter elections shall be held every two years to select three or four members as the case may be to serve for periods of four years to replace members whose term of office has expired at the date of each election. Election of Councillors and subsequent term of office thereof.

8. In the event of a vacancy occurring in the office held by an elected member of the Council at any time prior to six months before the expiration of the term of office of such member, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of a bye-election of a member in replacement, who shall hold office for the unexpired term. Bye-elections.

9. Councillors whose term of office has expired shall be eligible for re-appointment and re-election. Retiring Councillors eligible for re-appointment or re-election.

Qualifications of voters.

10. Any person shall be qualified to vote in an election of councillors, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year preceding the date set for the election; and

(c) is liable to taxation under this Act; and

(d) is not disqualified by mental incapacity.

Regulations for holding of elections.

11.—(1) The Governor in Commission may make regulations for the holding of elections under this Act which shall be published in the Newfoundland Gazette and which may provide penalties for any breach thereof not to exceed five hundred dollars, and in default of payment imprisonment for six months.

Costs of elections.

(2) All costs of the holding of elections shall be paid out of the funds of the Council.

Appointment of chairman and vice-chairman.

12.—(1) The Governor in Commission shall appoint a member of the first Council to be chairman and every subsequent Council shall appoint its own chairman.

(2) Every Council shall also appoint one of its own members to be vice-chairman, who shall, in the absence of the chairman, exercise his powers and duties.

Vacation of office by Councillors.

13. A Councillor shall vacate his office if he—

(a) shall tender his resignation in writing to the chairman;

(b) shall cease to be resident of the Town;

(c) shall be absent from the Town for more than twelve calendar months at any one time;

(d) shall be declared insolvent or make a composition or arrangement with his creditors; or

(e) shall be removed by unanimous vote of the other members of the Council for cause and with the approval of the Governor in Commission.

Duties of chairman and vice-chairman.

14. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Council and enforce order and his decision on all points of order shall be final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman.

Quorum and voting.

15.—(1) A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council.

(2) Every disputed question shall be decided by a majority of the votes of the members of the Council present including the chairman.

(3) The chairman, when there is an equality of votes inclusive of his own vote, shall have a casting vote.

Council to regulate its proceedings.

16. The Council shall have power to regulate its own proceedings.

Financial year of Council.

17. The financial year of the Council shall be from the first day of April to the thirty-first day of March next following, except in the first year when it shall be from the day of appointment of the Council until the thirty-first day of March next following.

Town Fund.

18.—(1) All moneys collected or received by the Council from taxes, levies, fees, loans, or grants shall con-

stitute a fund to be called the Town of Belleoram Fund (hereinafter called the Town Fund) which shall be under the direction and control of the Council subject to this Act.

Bank account.

(2) All moneys received by the Council in respect of the Town Fund shall be lodged with a Bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such officer of the Council as is appointed for the purpose.

Yearly budget to be submitted.

19. The Council shall, not later than the first day of March in each year, prepare and submit to the Governor in Commission a budget containing—

(a) an estimate of the balance of the Town Fund at the beginning of the ensuing financial year;

(b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;

(c) an estimate of its receipts from various taxes and any other source of income in the next ensuing financial year; and

(d) any other information in relation to the foregoing which the Governor in Commission may require.

Revised budget may be submitted during financial year.

20. If at any time during the financial year in respect of which the budget had been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue, or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure, the Council may, and if required by

the Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and payments and of outstanding liabilities up to the date of submission.

Budget to be approved.

21.—(1) The Governor in Commission may approve or disapprove a budget submitted by the Council.

Approval withdrawn when budget revised.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section, he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect.

Council's expenditure limited to budget.

22. Save with the approval of the Governor in Commission, the Council shall not have power in any year to incur, enter upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the estimated amount of payments set out in an approved budget.

Record, accounts and report.

23.—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of accounts are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith.

Report to include financial statements.

(2) The report submitted by the chairman under the preceding subsection shall include an account made up to the thirty-first day of March preceding, setting out the Council's income and expenditure during the preceding year and a statement of its assets and liabilities.

Signing of account and auditor's certificate.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto any report thereon which the auditor may have made to the Council.

Publication of account and auditor's certificate and report.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Town and if there shall be no such newspaper, in any other er newspaper published in Newfoundland and circulating in the Town.

Appointment of auditors.

24.—(1) The Governor in Commission shall appoint from time to time one or more persons to audit the accounts of the Council.

Powers of auditor

(2) An auditor appointed under this section shall at any time have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council.

Auditor's interim. report.

(3) Whenever the auditor shall have made an interim examination of the Council accounts during the course of the financial year, he shall submit a report thereon to the chairman of the Council and to the Governor in Commission.

Auditors' report on yearly account.

(4) The auditor or auditors shall examine and report on the annual account of the Council required to be made under subsection (2) of Section 23 of this Act and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept and the adequacy of the safeguards against fraud and any other matters connected with the accounts which

he or they may consider of sufficient interest or importance to mention.

Appointment of officers and servants.

25. The Council shall have power, subject to the approval of the Governor in Commission, to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants.

Meetings to be public ordinarily.

26. Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

Bi-monthly meetings to be held.

27. There shall be a meeting of the Council at least twice every month for the despatch of general business.

Special meetings.

28. Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

CONTROL OF BUILDING

Control of building, sanitation and water supply.

29.—(1) From and after the date of the passing of this Act no person shall within the Town—

(a) commence any building;

(b) extend or repair any building;

(c) build, construct or make any privy, cesspit, cesspool, septic tank or sewer;

(d) make or use any new water supply;

save under and in accordance with the terms of a permit in writing from the Council.

(2) The Council, with the approval of the Governor in Commission, may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Town.

(3) Every permit given by the Council shall be subject to such rules and regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, cesspit, cesspool, septic tank, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

Penalty.

30. If any person commits a breach of any of the provisions of the last preceding section, he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Removal of building, etc., erected otherwise than under permit.

31.—(1) If any building shall be erected or commenced to be erected or any extension shall be added to any existing building or if any privy, cesspit, cesspool, septic tank, sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made, to any privy, cesspit, cesspool, septic tank, sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or

maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

CONTROL OF SANITARY CONDITIONS

Discovery and removal of nuisances.

32.—(1) The Council, or any person appointed by the Council for that purpose, may open and enter or may authorize a police constable or ranger to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provisions of subsection (1) of this section is not complied

with, or is not so far complied with as the Council may regard as reasonable, within the time specified in the order, such order may be executed by the Council through its officers, agents, employees, or contractors, and the cost of the execution of the said order may be recovered from the owner or the occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same, shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Town, the Council may cause any nuisance, filth, rubbish or insanitary condition thereon to be removed or destroyed or any insanitary condition thereon to be amended, and the cost of such removal, destruction or amendment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

Destruction of burnt, dilapidated or dangerous buildings.

33.—(1) The Council, or any person appointed by the Council, may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may, after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council, adjudge the same to be a nuisance, and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the

Council may regard as reasonable, within five days after the service thereof, or within such shorter period as the Council may designate, such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Town, the Council may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

STREETS AND ROADS

Roads, streets and bridges.

34. The Council shall have the control and management of all roads, streets and bridges within the Town other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending, or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

Breaking of streets, erection of scaffolding, etc.

35. No person shall break up the soil of any street or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Council of the purpose for which such breaking up or structure is required,

and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to it to require.

DRAINS AND SEWERS

Establishment and maintenance of drains, sewers and water supply pipes.

36.—(1) The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

Expropriation of drains and sewers.

(2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along the street, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer as may be agreed or determined by arbitration.

Right to enter and survey.

37. The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage, or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act.

Right to enter and construct sewers, etc.

38.—(1) The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleans-

ing in the Town and to break up, dig, excavate, and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and re-pass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Diversion of watercourses.

(2) The Council shall have the power to alter or divert any watercourse within the Town for the purpose of the improvement of such watercourse or of the sewerage of the Town, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as may be deemed by the Council to be necessary and expedient, and the Council shall have power for the purpose aforesaid to enter upon all lands within the Town, and to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of the said buildings and erections as may be necessary for the said purposes and shall compensate any person injuriously affected thereby in such sums as may be agreed, and if no agreement can be made, in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

Right of exclusive use of certain waters.

39.—(1) The Council shall have the exclusive right to use the waters known as Belleoram Pond, Rabbit Pond, and all other watercourses within the limits of the Town for the purpose of providing a sufficient supply of water for public purposes.

Control of lands around certain waters.

(2) The Council shall have the possession and control of the Crown lands surrounding and adjoining the said ponds to the extent of four hundred yards from the margin thereof for the purpose of preventing the pollution of the waters of the said ponds.

LOCAL REGULATIONS

Regulations.

40.—(1) Subject to the approval of the Governor in Commission, the Council shall have power to make regulations, applicable within the Town, for dealing with the following classes of subjects, and may from time to time amend or repeal any such regulations, that is to say:

(a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;

(b) for the shovelling of snow and the clearing of roads in winter;

(c) for providing for places of deposit of ashes, rubbish, and offensive matter of every kind, and for compelling the owners or occupiers of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;

(d) for the payment of any tax by services or materials of an equal value when in the opinion of the Council the taxpayer is unable to pay in cash;

(e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health or safety;

(f) for regulating the keeping of animals within the Town and the places where the same may be kept;

(g) for prohibiting the use of any form of, or any mode of management of, baths, water closets, soil-pans, sinks, cesspits, cesspools, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger public health;

(h) for the protection of drains sewers and water supply pipes and for keeping the same free from obstruction;

(i) for the numbering of all buildings, and the marking and naming of new streets or roads;

(j) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;

(k) for providing that all privies, cesspits, cesspools, septic tanks, and other like places or arrangements for the reception or disposal of foul matter shall conform to such requirements as may be set by the Council in respect of construction, location, maintenance, cleansing and disinfection;

(l) for restricting and regulating the running at large or disposing of any animals and providing for im-

pounding them and for causing them to be sold in case they are not claimed within a reasonable time;

(m) for providing for the collection of garbage and imposing duties upon owners or occupiers of buildings or premises to facilitate such collection;

(n) in relation to the digging, building or construction of wells or other sources of water supply for domestic purposes and for the prevention of the contamination or fouling of such water supply and for the securing that at all times such water supply shall be fit for use as aforesaid;

(o) for prohibiting the digging, construction, maintenance or use of ditches, drains or culverts which the Council may consider dangerous to public health;

(p) for prohibiting the sweeping into or depositing upon any street or public place and the accumulation on any property or premises of garbage, rubbish, ashes, cans, bottles or the like, or any insanitary or unsightly matter;

(q) for controlling or regulating vehicular and other traffic;

(r) for collection of taxes;

(s) for licensing of dogs;

(t) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(2) The Council may prescribe in such regulations a penalty not exceeding one hundred dollars for the violation of any regulations made under the provisions of this

Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulations as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulating in the Town or by poster or otherwise as the Council may direct.

POWERS OF TAXATION

Stock tax.

41.—(1) There shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Town a tax, to be known as the stock tax, of twenty cents for every one hundred dollars of value of his stock in trade as at the end of the preceding fiscal or calendar year as hereinafter determined.

(2) For the purpose of this section the occupier of every shop, store, warehouse or factory within the limits of the Town shall, when required by the Council so to do, furnish it with a statement of the value of his stock in trade as at the end of the preceding fiscal or calendar year as shown in his returns made under the Income Tax Consolidation Act, 1944, to the Assessor of Taxes: Provided that in any case where such occupier has not made such return to the Assessor of Taxes he shall furnish to the Council, when required so to do, a statement, duly sworn to by him, of the value of his stock in trade as at the end of the preceding fiscal or calendar year.

(3) It shall be lawful for the Assessor of Taxes upon inquiry of the Council to disclose whether or not the statement of stock in trade reported to the Council under the provisions of subsection (2) of this section is the same as the stock in trade reported to the Assessor.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

(5) Any person required to furnish to the Council the statement of his stock in trade under the provisions of subsection (2) of this section, who—

(a) furnishes to the Council a false statement of his stock in trade shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment; or

(b) fails or neglects to furnish the statement of his stock in trade to the Council shall be subject on summary conviction to a penalty not exceeding ten dollars per day for each day during which the default continues.

Business tax.

42.—(1) The Council shall have power, subject to the approval of the Governor in Commission, to impose an annual tax or licence fee of not less than five dollars nor more than fifty dollars on persons or companies carrying on within the Town any business, trade or profession and may vary the same in respect of businesses, trades or professions of different kinds and in respect of premises upon which more than one business, trade or profession is carried on.

(2) The said tax or licence fee may be fixed within the limits above mentioned by the Council in respect of any person or company or class of persons or companies in accordance with the Council's opinion as to the value or magnitude of the business done by such person or company or class of persons or companies, which opinion shall be final.

(3) The taxes or licence fees imposed under subsections (1) and (2) of this section shall be payable in each year on such date as shall be determined by the Council.

(4) In the case of a person or company commencing any business, trade or profession, as the case may be, after the taxes or licence fees for the year have been fixed under the provisions of this section, the Council may make a special assessment for the remainder of the current year, which shall thereupon become payable.

Amount of tax; hearing by Council of person aggrieved.

43. Any person or company deeming himself or itself aggrieved by the amount of the tax or licence fee fixed upon his or its business, trade or profession, as the case may be, by the Council under the provisions of Section 42 of this Act, may request a hearing by the Council, and reconsideration by it: Provided that upon such reconsideration the Council may require him or it to make or furnish a statutory declaration as to the amount or value of the business done by him or it and may require the production of his or its books for examination.

Entertainment tax.

44.—(1) The Council shall have power to impose a tax, to be known as the entertainment tax, upon all stage performances, entertainments, circuses or shows, save in the case where all the proceeds are to be used for charitable, educational or religious purposes.

(2) The entertainment tax may be imposed either directly upon the persons or companies responsible for the management of any such stage performances, entertainments, circuses or shows or upon the payments made for admission thereto, and may in either case be collected at such times and in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by

ticket to be procured from the Council by the persons or companies responsible for the management thereof.

(3) The rate of the entertainment tax may be fixed from time to time by the Council subject to the approval of the Governor in Commission and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

Sundry taxes.

45.—(1) In addition to the foregoing the Council shall have power to impose, sue for and collect the following taxes or levies—

(a) A Town service fee of five dollars, to be paid by the following persons:

(i) All male residents of the age of twenty-one years or more;

(ii) All male persons of the age of eighteen years or more living in the Town for a period of not less than twenty days and being employed for pay or reward.

(iii) All non-resident persons, companies or firms who own real property within the Town to the value of one hundred dollars or more;

(iv) All females of the age of twenty-one years or more in the Town, but not residing with a member of the household who is liable to pay the said Town Service fee, who—

(aa) own any real property in the Town to the value of one hundred dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more:

Provided that the Council may, upon certificate of the Relieving Officer, exempt any female in indigent circumstances from payment of the fee imposed by subparagraph (iv) of this paragraph when the payment of the fee will constitute a hardship.

For the purpose of this subsection the word "household" shall mean a number of persons related by blood or adoption to the female from whom the tax is sought to be collected and residing in the same house or tenement.

(b) A tax of five dollars, payable not more than once in every year, on every commercial agent doing or soliciting any business in the Town but not upon an agent who is a Newfoundlander and does or solicits business for Newfoundland firms or companies only.

(c) A tax of not less than five dollars nor more than ten dollars, payable not more than once in every year, on every motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward.

(d) A tax of not less than two dollars and fifty cents nor more than five dollars, payable not more than once in every year, on all motor vehicles (other than those referred to in paragraph (c) of this subsection) ordinarily operated from within the limits of the Town, whether for hire, reward or for any other purpose whatsoever.

(e) A tax of one dollar, payable not more than once in every year, on every motor-cycle operated from within the limits of the Town.

(f) A tax of fifty cents per ton on all coal delivered to the Town.

(g) Such sums as the Council may from time to time with the consent of the Governor in Commission impose on any property served by any Town system of water or sewerage service.

(2) No tax imposed under paragraph (g) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by pipes. The consent in such cases may be obtained either in writing from such owners individually or by resolution passed at a meeting of such owners called for that purpose.

(3) For the purpose of this section the word "owner" or any grammatical variation thereof when used in relation to land shall mean the owner of the freehold.

Penalty for operating without payment of tax or licence fee.

46. Any person who shall—

(a) carry on any business, trade or profession in respect of which a tax or licence is payable under the provisions of Section 42 of this Act;

(b) carry on any stage performance, entertainment, circus or show in respect of which a tax is payable under the provisions of Section 44 of this Act;

(c) being a commercial agent, other than a Newfoundlander doing or soliciting business for Newfoundland firms or companies only, do or solicit any business in the Town;

(d) operate within the Town any motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward; or

(e) operate a motor vehicle (not operated as a bus or passenger car), motor-cycle or bicycle from within the limits of the Town;

without first having paid the tax or licence fee therefore shall be liable on summary conviction to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days, and every repetition of the said act shall be deemed to be a separate offence.

Taxes to be settled annually.

47. The amount of the fees or taxes payable under paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of Section 45 of this Act shall be settled each year by the Council and posted in at least two conspicuous places in the Town between the first and fifteenth days of April. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

Prohibition of exemption or remission from taxes save with approval of Governor in Commission

48.—(1) Whenever it shall be made to appear to the Council that any exemption from taxes or any remission of taxes or of the interest thereon, in whole or in part, is desirable, the Council may, upon the unanimous vote of the members of the Council present at a meeting, represent to the Governor in Commission that such exemption or remission should be granted, and if the Governor in Commission shall approve such exemption or remission the same may be granted but subject to such conditions as the Governor in Commission may impose.

(2) Save as hereinbefore in this section or otherwise specifically provided, the Council shall not grant any such exemption or remission from taxes to any person, firm or company, and no contract, agreement or stipulation with any person, firm or company for such exemption or remission from taxes shall be valid.

Interest on taxes in arrears.

49. All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such taxes become due.

Publication of taxes; consent or approval of Governor in Commission thereto.

50. The Council shall publish in the Newfoundland Gazette and post in at least two conspicuous places in the Town, a copy of every minute of the Council whereby any tax is imposed and where the consent or approval of the Governor in Commission to such tax is required shall also publish therewith a notice of the date when such consent or approval was given.

Contracts.

51. All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document, and all contracts not under seal, when duly authorized by the Council, shall be signed by the chairman.

Actions; notice of.

52. No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

Power to borrow.

53. The Council shall have power, subject to the approval of the Governor in Commission, to borrow moneys and to issue securities for the repayment of moneys borrowed.

Power of expenditure.

54. The Council shall have power to appropriate and pay out of the funds at its disposal, salaries or remunera-

tion to officers, auditors and employees of the Council, and the general expenses of the Council, and generally all other expenditure incurred in the execution of the powers and duties by law vested in the Council or its officers.

Investigations.

55. The Governor in Commission shall have power, by any official thereto authorized by him, to investigate at any time the books, records and accounts of the Council, and to inspect all work done or being done or to consider any work proposed to be done by the Council; and the Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by cision either on the foregoing subjects or on any other the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or desubjects passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

Governor in Commission may depute powers to Commissioner.

56. The powers and duties of the Governor in Commission under this Act, except the powers conferred by Section 11, may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

Short title.

57. This Act may be cited as the Town of Belleoram Act, 1946.

AN ACT TO VEST IN THE RURAL DISTRICT OF PLACENTIA THE WATER AND SEWERAGE SYSTEM AND THE OTHER WORKS OF THE PLACENTIA WATER COMPANY.

[11 March, 1946]

SECTION
1.—Placentia Water Company no longer to exist.
2.—Assets and liabilities of Company pass to Rural District of Placentia.
3.—Repeal.
4.—Short title.

WHEREAS all the outstanding capital stock of the Placentia Water Company has been purchased by the Government of Newfoundland;

AND WHEREAS the Rural District of Placentia has been recently incorporated by the Act No. 44 of 1945 with power inter alia to control and regulate the sanitary development of and the supplying of water to the Rural District;

AND WHEREAS it is considered expedient that the water and sewerage system and the other works of the Company and all its other assets should vest in and all its liabilities, if any, should be assumed by the Rural District and that the Company should cease to exist;

A.D. 1946. *Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows:*

Placentia Water Company no longer to exist.

1. From the date of the passing of this Act the Placentia Water Company incorporated by the Act 56 Victoria, Chapter 11, entitled "An Act to Incorporate the Placentia Water Company" shall cease to exist.

2. All the water and sewerage system and all the other works of the said Company and all its other assets of any kind whatsoever, are hereby vested in, and all its liabilities, if any, are hereby assumed by, the Rural District of Placentia incorporated by the Act No. 44 of 1945 entitled "An Act to Incorporate the Rural District of Placentia". Assets and liabilities of Company pass to Rural District of Placentia.

3. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column thereof. Repeal.

4. This Act may be cited as the Placentia Water Company (Dissolution) Act, 1946. Short title.

SCHEDULE

Session & Chapter	Title or Short Title	Extent of Repeal
56 Vic., Cap. 11	An Act to Incorporate the Placentia Water Company.	The whole Act.
2 Ed. VII, Cap. 7	An Act to amend 56 Vic., Cap. 11, entitled "An Act to incorporate the Placentia Water Company".	The whole Act.
4 Ed. VII, Cap. 4	An Act to further amend 56 Vic., Cap. 11, entitled "An Act to Incorporate the Placentia Water Company".	The whole Act.
5 Ed. VII, Cap. 12	An Act to amend the Act 56 Vic., Cap. 11, entitled "An Act to incorporate the Placentia Water Company".	The whole Act.
7 Ed. VII, Cap. 9	An Act further to amend 56 Vic., Cap. 11, entitled "An Act to incorporate the Placentia Water Company".	The whole Act.
3 Geo. V, Cap. 18	An Act further to amend 56 Vic., Cap. 11, entitled "An Act to incorporate the Placentia Water Company".	The whole Act.
8 Geo. V, Cap. 11	An Act further to amend 56 Vic., (1893) Cap. 11, entitled "An Act to incorporate the Placentia Water Co."	The whole Act.

AN ACT TO MAKE TEMPORARY PROVISION IN RESPECT OF THE ISSUE OF IDENTIFICATION PLATES AND MARKS FOR MOTOR VEHICLES AND THE AFFIXING OF THE SAME THERETO.

[11 March, 1946]

SECTION
1.—Period of application of Act.
2.—Authority to issue one plate and sticker during licensing period 1946-47 and the manner of affixing same.
3.—Issue of plates to dealers.
4.—Application of provisions of Highway Traffic Act and Regulations.
5.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Period of application of Act.

1. Notwithstanding the provisions of the Highway Traffic Act, 1941, and the Regulations thereunder, the provisions of this Act shall, during the period from the first day of April 1946, to the thirty-first day of March, 1947, apply in respect of the issue of identification plates and marks for, and the affixing of the same to, motor vehicles.

Authority to issue one plate and sticker during licensing period 1946-47 and the manner of affixing same.

2. In respect of every motor vehicle other than a motor bicycle for which a licence issued under the Highway Traffic Act, 1941, shall remain in force until the thirty-first day of March, 1947, it shall be lawful for the Department of Public Works to issue one identification plate which shall be affixed to the rear of the vehicle and, in the case of every motor vehicle other than a motor bicycle or a vehicle to which a dealer's plate is affixed, one mark consisting of a paper sticker bearing the words and figures "Registered 1946 Newfoundland" which shall be affixed to the windshield of the vehicle in such manner that the said words and figures shall be legible from in front.

Issue of plates to dealers.

3. Upon issue of a dealer's licence under the Highway Traffic Act, 1941, the said Department shall issue to the licensee not more than five identification plates in respect of the period ending on the thirty-first day of March, 1947, and the said plates shall in the said period be affixed to the vehicles, the property of the licensee, in accordance with Section 2 of this Act.

Application of provisions of Highway Traffic Act and Regulations.

4. Reference in the Highway Traffic Act, 1941, and in the Regulations thereunder, to identification plates shall during the period of application of this Act be construed as reference to the identification plates and marks authorized by this Act to be issued by the Department of Public Works, and the provisions of the said Highway Traffic Act and Regulations shall, unless inconsistent with the provisions of this Act, apply in respect of such plates and marks and the affixing thereof to motor vehicles.

Short title.

5. This Act shall be read with the Highway Traffic Act, 1941, and may be cited as the Highway Traffic (Identification Plates) Act, 1946.

AN ACT RESPECTING THE SALARY OF THE GOVERNOR OF NEWFOUNDLAND.

[11 April, 1946]

SECTION
1.—Salary of Governor of Nfld.
2.—Salary; how paid and charged.
SECTION
3.—Partial repeal of Sec. 1 of the Act 11 Geo. V., Cap. 50.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Salary of Governor of Nfld.

1. The Governor of Newfoundland shall be paid a yearly salary of twenty thousand dollars.

Salary; how paid and charged.

2. The said salary shall be paid by monthly instalments and shall be chargeable upon and paid out of the Consolidated Revenue Fund of the Colony.

Partial repeal of Sec. 1 of the Act 11 Geo. V., Cap. 50.

3. Section 1 of the Act 11 George V, Chapter 50, entitled "An Act to Amend the Act Sixty-one Victoria (1898) Chapter Eight, entitled 'An Act Respecting Salaries'", in so far as it relates to the salary of the Governor of Newfoundland, is hereby repealed.

AN ACT FURTHER TO AMEND THE ST. JOHN'S HOUSING CORPORATION (LANDS) ACT, 1944.

[11 April, 1946]

SECTION
1.—Amdt. Sec. 6.
2.—New Sec. 6A inserted.
3.—Time within which award to be made.
4.—Short title.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amdt. Sec. 6.

1. Section 6 of the St. John's Housing Corporation (Lands) Act, 1944 (No. 37 of 1944), as enacted by the Act No. 25 of 1945, is hereby amended by adding thereto as subsection (5) the following:

(5) The Corporation shall not in any event be under any liability to pay interest in accordance with subsection (1) of this section after notification to the owner or his solicitor of its willingness to pay compensation upon the execution of any document of receipt and indemnity as required by the Corporation and establishment by the owner of his title.

New Sec. 6A inserted.

2. There shall be added to the said Act as Section 6A the following:

6A. If any land expropriated shall be subject to a lease or sub-lease for a term not less than one year the Board shall apportion the compensation fixed in respect of such land between the lessor and lessee and sub-lessee or the assigns of either in such manner as in its absolute discretion it sees fit. If part only of such land shall be expropriated the Board shall in addition apportion the rent payable in respect of such land between the land so expropriated and the residue of such land and after such ap-

portionment the lessee or sub-lessee or their assigns of such land shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the land not expropriated, and as to the land not so expropriated and as against the lessee and sub-lessee or their assigns the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease, and all the covenants, conditions and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be expropriated, in the same manner as they would have done in case such part only of the land had been included in the lease or sub-lease.

Time within which award to be made.

3. Notwithstanding anything contained in subsection (1) of Section 6 of the said Act, the award of the Board shall be made within thirty days of the passing of this Act.

Short title.

4. This Act may be cited as the St. John's Housing Corporation (Lands) Amendment Act, 1946.

AN ACT FURTHER TO AMEND THE SUMMARY JURISDICTION ACT, 1930.

[17th April, 1946]

SECTION 1.—Amdt. Third Schedule; Part 1.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amdt. Third Schedule; Part 1.

1. Part 1 of the Third Schedule to The Summary Jurisdiction Act, 1930, is hereby amended by adding thereto as paragraph 9 the following:

9. Offences under the Food and Drugs Act, 1943.

AN ACT TO AMEND THE ST. JOHN'S HOUSING CORPORATION ACT, 1944.

[1st May, 1946]

SECTION 1.—Amdt. Sec. 19

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. 19.

1. Section 19 of the St. John's Housing Corporation Act, 1944 (No. 36 of 1944) is hereby amended as follows:

(a) By adding at the end of subsection (2) of the said section the following as paragraph (i):

(i) The use to which any land in the several zones may be put.

(b) By striking out subsection (3) of the said section and substituting therefor the following:

(3) No regulations under this section shall apply to any land or building which at the date of the passing of the regulations is used or erected for any purpose prohibited by the regulations so long as it continues to be used for that purpose, or to any building the plans for which have been approved by the St. John's Municipal Council prior to the date of the passing of the regulations while it is used for the purpose for which it was erected; but any such regulations may prohibit the reconstruction of any existing building in any more permanent form, and may provide for the extinction of any existing building in case the building should be damaged by fire or other disaster or decayed to a point where repairs or restitution will cost more than fifty per centum of the value of the building at the time with depreciation

to that time and for the destruction and removal of the same at the direction of the Corporation, and may empower the Corporation to destroy and remove the same and collect the cost of destruction and removal as a debt due by the owner of such building to the Corporation.

AN ACT FURTHER TO AMEND THE TOWN OF WINDSOR ACT, 1942

SECTION
1.—Repeal and substitution Sec. 17.
2.—Amdt. Sec. 26.
3.—Amdt. Sec. 31.
4.—Amdt. Sec. 33.
5.—Amdt. Sec. 37.
6.—Amdt. Sec. 42.
7.—Amdt. Sec. 43
8.—New Secs. 43A and 43B: Entertainment tax and stock tax.
9.—Short title.

[2nd May, 1946]

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Repeal and substitution Sec. 17.

1. Section 17 of The Town of Windsor Act, 1942 (No. 37 of 1942) is hereby repealed and the following substituted therefor:

17.—(1) A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council.

(2) Every disputed question shall be decided by a majority of the votes of the members present including the chairman.

Amdt. Sec. 26.

(3) The chairman, when there is an equality of votes inclusive of his own vote, shall have a casting vote.

2. Section 26 of the said Act is hereby amended by repealing subsections (1), (2) and (3) thereof and substituting therefor the following:

(1) The Governor in Commission shall appoint from time to time one or more persons to audit the accounts of the Council.

(2) An auditor appointed under this section shall at any time have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council.

(3) Whenever the auditor shall have made an interim examination of the Council's accounts during the course of the financial year he shall submit a report thereon to the chairman and to the Governor in Commission.

Amdt. Sec. 31.

3. Section 31 of the said Act is hereby amended as follows:

(a) By repealing paragraph (c) of subsection (1) thereof and substituting therefor the following:

(c) build, construct or make any privy, sewer, cesspit, cesspool or septic tank;

(b) By repealing subsection (4) thereof and substituting therefor the following:

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, cesspit, cesspool, septic tank, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted" with the date or any other matter prescribed by the Council.

Amdt. Sec. 33.

4. Section 33 of the said Act is hereby amended by repealing subsection (1) thereof and substituting therefor the following:

(1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy, sewer, cesspit, cesspool,

septic tank or water supply shall be built, constructed or made, or any extension or alteration shall be added or made to any privy, sewer, cesspit, cesspool, septic tank or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after the service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

Amdt. Sec. 37.

5.—(1) Section 37 of the said Act is hereby amended by re-numbering the said section as Section 37.—(1) and adding thereto as subsection (2) the following:

(2) The Council shall have power to regulate and adjust the level of all streets and sidewalks and to close any street or lane whether temporarily for the purpose of repairs or permanently when the Council considers it necessary to do so.

(2) The said subsection (2) shall be deemed to have had effect from the date of the passing of the said Act.

Amdt. Sec. 42.

6. Section 42 of the said Act is hereby amended as follows:

(a) by inserting after paragraph (j) of subsection (1) thereof the following as paragraphs (k), (l), (m), (n), (o), (p), (q), (r) and (s):

(k) for providing that all privies, cesspits, cesspools, septic tanks, and other like places or arrangements for the reception or disposal of foul matter shall conform to such requirements as may be set by the Council in respect of construction, location, maintenance, cleansing and disinfection;

(l) for restraining and regulating the running at large or disposing of any animals and providing for impounding them and for causing them to be sold, in case they are not claimed within a reasonable time;

(m) for providing for the collection of garbage and imposing duties upon owners or occupiers of buildings or premises to facilitate such collection;

(n) in relation to the digging, building or construction of wells or other source of water supply for domestic purposes and for the prevention of the contamination or fouling of such water supply and for the securing that at all times such water supply shall be fit for use as aforesaid;

(o) for prohibiting the digging, construction, maintenance or use of ditches, drains or culverts which the Council may consider dangerous to public health;

(p) for prohibiting the sweeping into or depositing upon any street or public place and the accumulating on any property or premises of garbage, rubbish, ashes, cans, bottles or the like, or any insanitary or unsightly matter;

(q) for controlling or regulating vehicular and other traffic;

(r) for collection of taxes;

(s) for licensing of dogs;

(b) by re-lettering paragraph (k) of subsection (1) thereof as (t).

7. Section 43 of the said Act is hereby amended as follows:

(a) By striking out in paragraph (b) of subsection (1) thereof the words "ten dollars" and substituting therefor the words "five dollars".

(b) By repealing sub-paragraph (iii) of paragraph (b) of subsection (1) thereof.

8. There shall be added to the said Act as Section 43A and Section 43B the following: Amdt. Sec. 43.

43A.—(1) The Council shall have the power to impose a tax to be known as the entertainment tax, upon all theatrical, musical, cinematograph, dancing, pantomine, athletic, circus or other kind of public entertainment, exhibition or performance. New Secs. 43A and 43B:

(2) The entertainment tax may be imposed either directly upon the persons or companies responsible for the management of any such entertainment or upon the payments made for admission thereto, and may in either case be collected at such times and in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by ticket to be procured from the Council by the persons or companies responsible for the management thereof. Entertainment tax and stock tax.

(3) The rate of the entertainment tax may be fixed from time to time by the Council, subject to the approval of the Governor in Commission, and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

(4) Whenever it is shown to the satisfaction of the Council that the profits of any entertainment are to be applied to the relief of poverty, the advancement of education, or the promotion of religion, the entertainment tax shall not be levied on such entertainment; and the Council may in its discretion waive the tax in the case of athletic games and artistic, scientific or educational exhibitions or entertainments on proof that the profits thereof are to be applied to the promotion of athletics, art, science or education and not to the private gain of any person or company.

(5) Any person authorized by the Council for the purpose in writing under the hand of the chairman of the Council shall on production of his authority be admitted gratis to any place of entertainment while the entertainment is proceeding, and to any place ordinarily used as a place of entertainment at all reasonable times, with a view of seeing whether the provisions of any regulations made with regard to the entertainment tax are being complied with; and any person who prevents or obstructs the entry of any person so authorized shall be guilty of an offence under this Act and liable upon summary conviction to a penalty not exceeding one hundred dollars and in default of payment to imprisonment not exceeding three months.

(6) Any person who shall carry on any public performance, exhibition or entertainment in respect of which a tax is payable under the provisions of this section, without having first paid the tax therefor, shall be liable on summary conviction to a fine not exceeding twenty-five dollars and in default of payment to imprisonment for a period not exceeding fourteen days and every repetition of the said act shall be deemed to be a separate offence.

43B.—(1) There shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Town a tax, to be known as the stock tax, of thirty cents for every hundred dollars of the value of his stock in trade as at the end of the preceding fiscal or calendar year as hereinafter determined.

(2) For the purpose of this section the occupier of every shop, store, warehouse or factory within the limits of the Town, shall, when required by the Council so to do, furnish it with a statement of the value of his stock in trade as at the end of the preceding fiscal or calendar year as shown in his returns made under the Income Tax Consolidation Act, 1944, and Acts in amendment thereof to the Assessor of Taxes: Provided that in any case where such occupier has not made such return to the Assessor of Taxes he shall furnish to the Council, when required so to do, a statement, duly sworn to by him, of the value of his stock in trade as at the end of the preceding fiscal or calendar year.

(3) It shall be lawful for the Assessor of Taxes upon inquiry of the Council to disclose whether or not the statement of stock in trade reported to the Council under the provision of subsection (2) of this section is the same as the stock in trade reported to the Assessor.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

(5) Any person required to furnish to the Council the statement of his stock in trade under the provisions of subsection (2) of this section who—

(a) furnishes to the Council a false statement of his stock in trade shall be liable on summary conviction to a fine not exceeding five hundred dollars or

to imprisonment for a term not exceeding six months or to both such fine and imprisonment; or

(b) fails or neglects to furnish the said statement of his stock in trade to the Council shall be subject on summary conviction to a penalty not exceeding ten dollars per day for each day during which the default continues.

Short title.

9. This Act may be cited as the Town of Windsor (Amendment) Act, 1946, and this Act and The Town of Windsor Act, 1942, and the Act No. 40 of 1944 may be cited together as the Town of Windsor Acts, 1942-1946.

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDED THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-SIX AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[9th May, 1946]

SECTION 1.—Supplementary Supply, 1945-46. Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland temporarily authorized by the Governor in Commission by Special Warrants dated 15th and 24th December, 1945, 7th February and 5th March, 1946, and issued under Section 33 (1) (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as enacted by the Act 23 & 24 Geo. V, Chapter 60, and as amended by the Act No. 21 of 1935, for the financial year ended the thirty-first day of March, One thousand nine hundred and forty-six and for other purposes connected with the Public Service:

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums Supplementary Supply, 1945-46.

not exceeding Two million, six hundred and eighty-five thousand, four hundred dollars ($2,685,400), and the said sums so issued shall be paid and applied by the several Departments in respect of the financial year extending from the first day of April, One thousand nine hundred and forty-five to the thirty-first day of March, One thousand nine hundred and forty-six, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

Schedule.

SCHEDULE

Head of Expenditure	*Department*	*Amount*
II	Finance	$ 582,700
IV	Posts & Telegraphs	73,400
VI	Home Affairs	317,600
VII	Education	197,600
VIII	Justice	38,300
X	Public Works	968,200
XI	Public Health & Welfare	507,600
		$2,685,400

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[9th May, 1946]

SECTION 1.—Supply 1946-47.
Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorized by the Governor in Commission by Special Warrants dated the 27th March and 30th April, 1946, which Warrants have been issued under Section 33 (1) (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as enacted by the Act 23 & 24 Geo. V., Chapter 60, and as amended by the Act No. 21 of 1935, for the financial year ending the thirty-first day of March, One thousand nine hundred and forty-seven, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commis- Supply 1946-47.

sioner for Finance and Controller of the Treasury sums not exceeding Thirty million, two hundred and ninety-four thousand, seven hundred dollars ($30,294,700), and the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of April, One thousand nine hundred and forty-six to the thirty-first day of March, One thousand nine hundred and forty-seven, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

Schedule.

SCHEDULE

Head of Expenditure	*Department*	*Amount*
II	Finance	$1,785,300
III	Customs	544,800
IV	Posts & Telegraphs	1,678,100
V	Assessor of Taxes	72,400
VI	Home Affairs	3,716,200
VII	Education	3,538,500
VIII	Justice	1,173,000
VIII (A)	Defence	222,400
IX	Natural Resources	3,674,100
X	Public Works	8,093,300
XI	Public Health & Welfare	5,534,000
XII	Board of Liquor Control	127,400
XIII	Supply	135,200
		$30,294,700

AN ACT FURTHER PARTIALLY TO SUSPEND THE OPERATION OF CHAPTER 156 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE EXPORT AND SALE OF BAIT FISHES".

[9th May, 1946]

SECTION 1.—Further suspension of restriction on export, etc., of herring.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Further suspension of restriction on export, etc., of herring.

1. During the period between the 1st day of June, 1946, and the 31st day of May, 1947, inclusive, none of the provisions of Chapter 156 of the Consolidated Statutes (Third Series) entitled "Of the Export and Sale of Bait Fishes" shall apply to herring, anything in the said Chapter to the contrary notwithstanding.

AN ACT RELATING TO A NATIONAL CONVENTION

[21st May, 1946]

SECTION

1.—Interpretation.
2.—National Convention constituted.
3.—Duty and function of Convention.
4.—Convention may establish its own rules.
5.—Governor in Commission may provide advisers, etc., for Convention.
6.—Members of Convention to be paid allowances and expenses.
7.—Convention to be called together by Proclamation of Governor.
8.—Newfoundland to be divided into electoral districts.
9.—Number of representatives to be returned by districts.
10—Governor in Commission may appoint person to represent Labrador.
11.—True bearings.
12.—(1) Appointment of chief electoral officer.
(2) Chief electoral officer responsible to Governor in Commission.
(3) Duties of chief electoral officer.
13.—Writs of election.
14.—(1) Duties of returning officer.
(2) Election clerk to be appointed.
(3) Transmission of oath and appointment to chief electoral officer.
15.—Term of office of election clerk.
16.—Deputy returning officers.
17.—Poll clerks.
18.—(1) Misfeasance and malfeasance.
(2) Offence.
19.—Polling districts and stations.
20.—Qualifications of candidates.
21.—Disqualification of candidates.
22.—Effect of election of disqualified person.
23.—Nomination and polling days.
24.—Building where nomination to take place.
25.—Hours for nomination.
26.—Form of nomination.
27.—(1) Nomination paper to be attested on oath.
(2) Form of oath.
28.—Consent of candidate.
29.—Declaration of residence.
30.—List of candidates nominated.
31.—Votes for any person other than candidate to be void.
32.—(1) Return when no more candidates than number of representatives required.
(2) Return on back of writ.
(3) Report with return.
33.—(1) Withdrawal of candidate.
(2) If no more candidates remain than number to be elected.
(3) False statement of withdrawal.

SECTION

34.—Granting of poll.
35.—Further duty of returning officer.
36.—List of deputies.
37.—Safe-keeping of ballot papers.
38.—Information as to poll clerks.
39.—(1) When deputy dies or is unable to act.
(2) Another poll clerk appointed.
(3) Returning officer may act as deputy.
40.—Ballot boxes.
41.—Construction of ballot boxes.
42.—Form of ballot.
43.—Quality and weight of paper.
44.—Property in His Majesty.
45.—Indictable offences; penalty.
46.—Electors; qualifications of.
47.—Certain persons disqualified from voting.
48.—(1) List of electors to be compiled from 1945-46 Census.
(2) Qualified persons whose names not on list may vote.
49.—(1) Who may be present at polling station.
(2) Oath of secrecy.
(3) Agent authorized in writing.
(4) Who is deemed agent for candidate.
50.—Station at which deputy returning officer, etc., may vote.
51.—(1) Counting of ballots before opening of poll.
(2) Candidate may act as his own agent.
(3) Presence of agents not required.

SECTION

52.—(1) Polling stations.
(2) Compartments in polling station.
(3) Table or desk in compartment.
(4) Instructions to returning officers.
(5) Hours of polling.
(6) Directions to be posted.
53.—(1) Opening, locking and sealing of ballot boxes.
(2) Deputy returning officer to announce voting may begin.
(3) Electors not to be impeded.
(4) One elector at a time.
54.—(1) Who may vote and where.
(2) Voting more than once in same electoral district.
55.—(1) Name, address and occupation of elector corresponding closely to another may vote on taking oath.
(2) Entries in poll book.
56.—(1) Elector refusing to be sworn.
(2) Elector refusing oath not entitled to vote.
(3) Improper varying of oath.
57.—Correction in list of electors.
58.—(1) Secrecy during poll.
(2) Offence.
59.—Ballot paper not to be shown except in certain cases.
60.—(1) Ballot paper to be initialled.
(2) Instructions to elector on receiving ballot paper.
(3) Mode of voting.

SECTION
(4) Spoiled ballot paper.
(5) Elector in whose name another has voted.
61.—(1) Elector unable to mark his ballot paper.
(2) Entry in poll book.
(3) No delay in voting.
62.—(1) Name not on list.
(2) Poll clerk to make entries in poll book.
63.—Adjournment of poll.
64.—Returning officer and deputy to be conservators of peace.
65.—Respecting offensive weapons.
66.—No liquors to be sold on polling day.
67.—(1) Counting votes by deputy returning officers.
(2) Rejection of ballots.
(3) Objections to ballot papers.
(4) Duties after counting the votes.
(5) Statement by deputy.
(6) Documents enclosed in ballot box.
(7) Oaths by deputy and poll clerk.
(8) Ballot box, key and accounts to be delivered to returning officer.
(9) Appointment of messenger.
68.—(1) Custody of ballot boxes.
(2) Opening of boxes and addition of votes.
(3) Declaration of election.
(4) Casting vote of returning officer.

SECTION
69.—(1) Adjournment of addition of votes.
(2) Provision in case of loss of ballot boxes.
(3) If statements, etc., cannot be obtained.
(4) Duty of returning officer if statement not in ballot box.
(5) Declaration of election.
(6) Not obeying summons of returning officer.
70.—Returning officer to forward certain things to chief electoral officer.
71.—Penalty for misconduct of returning officer.
72.—Recount by judge.
73.—Who may be present at recount.
74.—Judge to recount votes.
75.—Count to proceed continuously.
76.—Judge to certify to chief electoral officer the candidate elected.
77.—Chief electoral officer to correct declaration of returning officer if necessary.
78.—Costs to be ordered and taxed, if recount does not affect the return.
79.—No person required to say for whom he voted.
80.—Respecting packets of counterfoils.
81.—Procedure.
82.—Competent witnesses.
83.—Limitation of actions.
84.—Certified copies of documents from chief electoral officer to be prima facie evidence.
85.—Respecting the taking of oaths.

SECTION

86.—Respecting perjury.
87.—Governor may give orders or directions by proclamation.
88.—Non-compliance with forms not to affect election in certain cases.
89.—(1) Tariff of fees and expenses.
(2) Fees, etc., to be paid by Commissioner.
(3) Certificate of returning officer as to accounts.
90.—Personation.
91.—(1) Illegal payments.
(2) Legal payments.
92.—Respecting intimidation.
93.—Corrupt practices.
94.—Interference with returning officers.
95.—Unlawful to pay agents of candidates.
96.—Privilege of witnesses.
97.—Officials not to act as agents.
98.—General penalty.
99.—(1) Petition.
(2) Proof of right to be a petitioner.
100.—Petition complaining of no return.
101.—When returning officer respondent.
102.—Two or more candidates may be respondents.
103.—Form of petition.
104.—Time for presenting petitions against return.
105.—Amendment of petition.
106.—Petition where no return.
107.—Counter petition.

SECTION

108.—How petition presented.
109.—Security for cash.
110.—Service of petition.
111.—Preliminary objections.
112.—Answer may be filed.
113.—List of petitions.
114.—Trial of petition.
115.—Place of trial.
116.—Notice of trial.
117.—Trial may be adjourned.
118.—Certificate by judge to Governor.
119.—Judge's report if corrupt practices are charged.
120.—Invalidation of election.
121.—Special case may be stated.
122.—Respecting evidence at trial.
123.—Directions by Governor after certificate of judge.
124.—Consolidation of petitions.
125.—Withdrawal of petition.
126.—Withdrawal in case of several petitioners.
127.—Costs in case of withdrawal.
128.—Abatement of petition.
129.—Respecting costs.
130.—Powers of Court.
131.—Procedure.
132.—Certain corrupt practices not to void election.
133.—Candidates not liable in certain cases for corrupt practice.
134.—Offender not to be twice tried; proviso as to disqualification.
135.—Short title.
First Schedule.
Second Schedule.

WHEREAS it has been decided that provision should be made for enabling the people of Newfoundland to examine the future of the Island and express their considered views as to suitable forms of government for the Island, having regard to the financial and economic conditions prevailing therein, and that this provision could most appropriately be the holding of an elected National Convention of Newfoundlanders;

AND WHEREAS it has been decided that the said Convention should have the duty and function hereinafter in this Act set forth;

AND WHEREAS it is necessary to provide for the constitution of the said Convention and the election of representatives thereto and the regulation of their proceedings;

A.D. 1946.

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Interpretation.

1.—(1) In this Act, unless the context otherwise requires—

(a) "candidate" means a person who offers himself for election and who is nominated in accordance with the provisions of this Act.

(b) "candidate's agent" means an agent appointed by a candidate to represent him during the election in accordance with the provisions of this Act.

(c) "Commissioner" means the Commissioner for Home Affairs and Education.

(d) "during an election" or "at an election" or "throughout an election" includes the period from

the issue of the writ for an election until the elected candidate is returned as elected.

(e) "election" means an election of a candidate or candidates to serve as a representative or representatives at the National Convention.

(f) "election officer" includes the chief electoral officer, the assistant electoral officer, if any, and every returning officer, election clerk, deputy returning officer, poll clerk or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn.

(g) "election papers" means all ballot papers, including those unused, poll books, lists of electors and other statements used at a polling station and all other documents sent by any returning officer to the chief electoral officer in compliance with this Act, or any instructions issued by or on behalf of the chief electoral officer.

(h) "election petition" means a petition presented in pursuance of the provisions of this Act.

(i) "elector" means any person qualified to vote at an election whether his name is or is not on any list of electors, and includes a person who has actually voted at the election.

(j) "electoral district" or "District" means any place or territorial area entitled to return a representative or representatives to the National Convention.

(k) "judge" means a judge of the Supreme Court.

(l) "list of electors" means any list of electors prepared as required by this Act.

(m) "nomination day" or "day of nomination" means the day fixed by the Governor, by Proclamation, for the nomination of a candidate or candidates.

(n) "oath" includes affirmation and statutory declaration.

(o) "poll book" means the book kept by a poll clerk for recording the names of the persons who have voted at the election and other particulars required by this Act.

(p) "polling day" or "day of polling" means the day fixed by the Governor, by Proclamation, for holding the poll.

(q) "polling division" means any division, subdivision, ward or other territorial area within which a poll may be held.

(r) "polling station" means the building where polling is authorized by law to take place.

(s) "printing" when used in relation to the reproduction of electors' lists, includes mimeographing, multigraphing or any other mode of reproduction in which successive copies are produced from an original of any kind, so that all copies are identical, and also includes photographing.

(t) "registrar" means the Registrar of the Supreme Court.

(u) "representative" means a representative elected to the National Convention.

(v) "return" when used in relation to the result of an election, means the declaration by a returning officer that a candidate has been elected as a representative to the National Convention.

(w) "writ" means a writ for an election.

(2) Words importing the masculine gender only shall extend to females as well as males.

National Convention constituted.

2. There shall be a National Convention, hereinafter called "the Convention", of Newfoundlanders consisting of forty-five representatives elected in accordance with the provisions of this Act together with a judge of the Supreme Court of Newfoundland, appointed by the Governor in Commission, who shall preside over the Convention as Chairman, but who shall not be entitled to vote in the Convention: Provided that the failure of electors in any electoral district or districts to elect a representative or representatives, or the death or resignation of any representative or representatives or his or their absence or inability to attend the Convention, shall not, subject to any rules made under Section 4 of this Act, affect the constitution or duty or function of the Convention.

Duty and function of Convention.

3. It shall be the duty and function of the Convention to consider and discuss among themselves as elected representatives of the people of Newfoundland the changes that have taken place in the financial and economic situation of the Island since 1934, and, bearing in mind the extent to which the high revenues of recent years have been due to wartime conditions, to examine the position of the country and to make recommendations to His Majesty's Government in the United Kingdom as to possible forms of future government to be put before the people at a national referendum.

Convention may establish its own rules.

4. The Convention may establish rules for their government and the attendance of members and the conduct of business and may alter, amend and repeal the same provided that no such rule shall be altered, amended or repealed, except with the assent of two-thirds of all the members of the Convention.

Governor in Commission may provide advisers, etc., for Convention.

5. The Governor in Commission may provide for the Convention the services of such advisers, officers and servants as may be deemed necessary to aid and assist them in the conduct of their business and the discharge of their functions and may provide for the remuneration of any such advisers, officers and servants.

Members of Convention to be paid allowances and expenses.

6. The members of the Convention shall be paid such amounts in respect of allowances and expenses as the Governor in Commission may determine.

Convention to be called together by Proclamation of Governor.

7. The Governor in Commission shall, by Proclamation, summon the first meeting of the Convention and thereafter the Convention shall meet at such times and at such place as the Convention shall decide.

Newfoundland to be divided into electoral districts.

8. For the purpose of the election of representatives to the Convention, Newfoundland shall be divided into thirty-eight electoral districts with names and boundaries as set forth in the First Schedule to this Act.

Number of representatives to be returned by districts.

9. Each of the said electoral districts shall be entitled to return one representative to the Convention, except Harbour Main, Grand Falls and Humber, which shall each return two, and St. John's City (East) and St. John's City (West) which shall each return three.

Governor in Commission may appoint person to represent Labrador.

10. Notwithstanding the provisions of this Act relating to the nomination and election of representatives to the Convention, the Governor in Commission may in respect of the electoral district of Labrador appoint to the Convention as representative for the said district a person qualified under the provisions of this Act for nomination for such district and in such case no election shall take place in the said district.

True bearings.

11. All compass bearings relating to boundaries of the said electoral districts contained in the said First Schedule are true, except where expressly stated to be magnetic.

Appointment of chief electoral officer

12.—(1) For the purpose of conducting an election of representatives to the Convention, the Governor in Commission shall appoint a chief electoral officer for the preparation and conduct and course of the said election.

Chief electoral officer responsible to Governor in Commission.

(2) The chief electoral officer shall be responsible to the Governor in Commission through the Commissioner.

Duties of chief electoral officer.

(3) The duties of the chief electoral officer shall be—

(a) to direct all returning officers and, in case of incompetency or neglect of duty on the part of any of them, recommend his removal and the appointment of another in his stead;

(b) to exercise general direction and supervision over the administrative conduct of the election, with a view to ensuring the fairness and impartiality of all election officers and compliance with the provisions of this Act;

(c) to provide returning officers with such ballot boxes, ballot papers, instructions, forms and material as are necessary for holding the election;

(d) to report to the Governor in Commission through the Commissioner after the election, any matters arising in the course of an election, an account of which ought, in his judgment, to be submitted to the Governor in Commission.

Writs of election.

13. Every writ for the election of a representative to the Convention shall be as in Form No. 1 of the Second Schedule to this Act, shall be dated and returnable on such day, and shall be addressed to such person in an electoral district as the Governor in Commission shall determine, and such person shall thereupon become the returning officer for that district at the election: Provided that if the person to whom the writ is addressed refuses or is disqualified or is unable to act or is removed, the Governor in Commission may address a writ to another person who shall thereupon become the returning officer.

Duties of returning officer.

14.—(1) Every returning officer shall forthwith cause to be taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held.

Election clerk to be appointed.

(2) Every returning officer shall forthwith appoint in writing an election clerk, who shall be an elector in the electoral district in which he resides, and he and the election clerk shall each make oath, faithfully to perform his duties without partiality, fear, favour or affection and such appointment and oaths shall be as in Forms No. 2, No. 3 and No. 4 respectively of the said Second Schedule.

Transmission of oath and appointment to chief electoral officer.

(3) The oath of the returning officer and the appointment and oath of every election clerk shall be transmitted by the returning officer to the chief electoral officer forthwith after their completion.

Term of office of election clerk.

15. Every election clerk shall hold office during the pleasure of the returning officer who appointed him or

until the expiry of his term of office at the completion of the election for which he was appointed.

Deputy returning officers.

16. Every returning officer shall, by writing as in Form No. 5 of the said Second Schedule executed under his hand, appoint one deputy returning officer for each polling station in the electoral district, and every deputy returning officer shall before acting as such take the oath as in Form No. 6 of the said Second Schedule.

Poll clerks.

17. Each deputy returning officer shall forthwith appoint, by writing under his hand as in Form No. 7 of the said Second Schedule, a poll clerk, who before acting as such shall take the oath as in Form No. 8 of the said Second Schedule.

Misfeasance and malfeasance.

18.—(1) Every election officer who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Act shall forfeit to any person aggrieved by such misfeasance, act or omission, a sum not exceeding five hundred dollars in addition to the amount of all actual damages to such person thereby occasioned recoverable with costs by action in the Supreme Court to be taken within one year after the malfeasance, act or omission on which it is grounded.

Offence.

(2) Every election officer who refuses or neglects to perform any of the duties required of him by this Act shall be guilty of an offence against this Act.

Polling districts and stations.

19. The returning officer for each electoral district shall constitute therein polling divisions, and appoint polling stations, and may, if expedient, from time to time alter the same or appoint additional polling stations.

Qualifications of candidates.

20.—(1) Except as in this Act otherwise provided, a person who would be entitled to vote in an electoral district on the day of nomination in such district if a poll

were being held on that day may be a candidate for election to the Convention in that district.

(2) Except as in this Act otherwise provided, a person entitled to vote in an electoral district may be a candidate in another electoral district if he has, within the period of two years immediately preceding the day of nomination, been ordinarily and bona fide resident in such other district for the continuous period of one year.

(3) A person who, in accordance with the provisions of subsection (1) or (2) of this section may be a candidate in the electoral district of St. John's City (East) or in the electoral district of St. John's City (West), shall be eligible to be a candidate in either of the said districts.

(4) A person who has been nominated as a candidate for one electoral district shall not be eligible to be a candidate in another electoral district.

Disqualification of candidates.

21. The respective persons hereunder mentioned shall not be eligible to be elected to the Convention or to sit or vote in the Convention—

(a) Members of the Commission of Government during their tenure of office.

(b) Persons in full time employment in the public service of the Crown.

(c) Every person accepting or holding any office or employment from or under the Government of Newfoundland or any corporation, board or body operating or having the management of any service on behalf of the said Government to which any salary, fee, wages, allowance, emolument or profit of any kind (except service pay of any per-

son referred to in the proviso to Section 46 of this Act) is attached, during the time he is holding any such office or employment unless such person has obtained leave from the Government or from such corporation, board or body: Provided that no salary, fee, wages, allowance, emolument or profit shall be paid or given in respect of any such period of leave and provided further that this paragraph shall not apply in respect of any member of any such corporation, board or body who does not give his full time to the business of the same.

(d) Every person who fails to comply with the provisions of this Act for the nomination of candidates.

(e) Persons not qualified to vote at an election under this Act.

Effect of election of disqualified person.

22. The election of any person who is not eligible under this Act to be elected to the Convention shall be void, and if any such person receives a number of votes which would entitle him validly to be declared elected if he were so eligible, such votes shall be disregarded in determining the proper representative or representatives for the electoral district concerned.

Nomination and polling days.

23. The Governor shall, by Proclamation, fix the day and place of nomination and the day of polling in each of the electoral districts and may, by the same Proclamation or by different Proclamations, fix the same day or different days for the different electoral districts,. and not less than thirty days shall intervene between the day of publication of the Proclamation and the day of polling in any district and the day of polling shall in all cases be the twenty-first day next after the expiration of the day of nomination.

Building where nomination to take place.

24. The building in which nomination of candidates in each electoral district shall take place shall be such public or private building in the place of nomination fixed by

Proclamation as is determined by the returning officer for the district.

Hours for nomination.

25. The time for the nomination of candidates shall be from the hour of ten o'clock in the morning until the hour of two o'clock in the afternoon of the day of nomination, and during such time the returning officer and the election clerk shall for the purpose of receiving nomination papers remain in the building in which nomination is to take place.

Form of nomination.

26. The nomination of a candidate for an electoral district shall be in writing, as in Form No. 9 of the said Second Schedule, signed by two electors of the same electoral district in the presence of a witness or witnesses who shall also be an elector or electors of the district, giving the name, residence and description of each candidate, and filed with the returning officer at the time and in the building fixed for nomination, or at any other place and at any other time between the date of the Proclamation mentioned in Section 23 of this Act and the time of nomination. Each candidate shall be nominated by a separate nomination paper, but the same electors, or any of them, may subscribe as many nomination papers as there are representatives to be elected for the electoral district.

Nomination paper to be attested on oath.

27.—(1) The returning officer shall require one or more of the persons producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know—

(a) that the several persons who have signed such nomination paper are duly qualified electors of the electoral district for which the election is to be held;

(b) that they have signed such nomination paper in his or their presence; and

(c) that the consent of the candidate was signed in his or their presence, or, as the case may be, that the person named as candidate is absent from the place of nomination and has consented to his nomination.

Form of oath.

(2) Such oath shall be as in Form No. 10 of the said Second Schedule and the fact of its having been taken shall be stated on the back of the nomination paper.

Consent of candidate.

28. No nomination paper shall be valid unless it is accompanied by the consent in writing of the person therein nominated, except where such person is absent from the electoral district in which the nomination is to be held, when such absence shall be stated in the nomination paper.

Declaration of residence.

29. Before any candidate shall be nominated, he shall deliver or cause to be delivered to the returning officer a declaration of residence as in the appropriate Form No. 11 or No. 12 of the said Second Schedule, signed by himself and sworn before a stipendiary magistrate, justice of the peace or the returning officer.

List of candidates nominated.

30. At the close of the time for nominating the candidates, the returning officer shall publicly proclaim by posting in some conspicuous place in every city, town, or settlement in the electoral district, the names, addresses and occupations of the candidates nominated, and shall deliver to every candidate or the agent of a candidate applying therefor, a duly certified list of the names of the several candidates who have been nominated.

Votes for any person other than candidate to be void.

31. Any votes given at the election for any person other than a candidate nominated in the manner provided by this Act, for the electoral district, shall be null and void.

Return when no more candidates than number of representatives required.

32.—(1) Whenever only one candidate or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held, have been nominated within the time fixed for that purpose, the returning officer shall forthwith make his return upon the back of the writ, to the chief electoral officer as in Form No. 13 of the said Second Schedule, that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district, of which return he shall deliver or send within forty-eight hours of such return a duplicate or certified copy to the person or persons elected.

Return on back of writ.

(2) In the case of a candidate or candidates declared elected under subsection (3) of Section 68 of this Act the returning officer shall forthwith make his return upon the back of the writ, to the chief electoral officer in the form of the declaration provided for in the said subsection.

Report with return.

(3) The returning officer shall accompany his return to the chief electoral officer with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

Withdrawal of candidate.

33.—(1) Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void.

If no more candidates remain than number to be elected.

(2) If, after the withdrawal there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected, the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal is made on the day fixed for holding the poll.

(3) Any person who, before or during an election, for the purpose of providing or procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at such election shall be guilty of an offence against this Act. False statement of withdrawal.

34. If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this Act, the returning officer shall grant a poll for taking the votes of the electors and cause to be posted up in all polling divisions and polling stations in the electoral district, notices of his having granted such poll as in Form No. 14 of the said Second Schedule, indicating the names alphabetically arranged, residences and occupations of the candidates so nominated. Granting of poll.

35. The returning officer shall furnish in time to each deputy returning officer— Further duty of returning officer.

(a) a sufficient number of ballot papers to enable the supply of at least the number of electors on the list of such deputy's polling division;

(b) a ballot box provided with a lock and a key therefor;

(c) at least ten copies of printed directions as in Form No. 15 of the said Second Schedule, for the guidance of electors in voting, which printed directions the deputy returning officer shall before or at the opening of the poll on the day of polling cause to be posted up in some conspicuous places outside the polling station, and also in each compartment of the polling station;

(d) a blank poll book, forms of oaths to be administered to electors, envelopes, sealing wax, such other stationery as may be authorized by the chief electoral officer;

(e) the necessary materials for electors to mark their ballots;

(f) a full and complete copy of the list of electors of the electoral district;

(g) a copy of this Act and of any instructions issued under the same; and

(h) a certificate of the number of ballot papers and election material so supplied and such certificate shall be as in Form No. 16 of the said Second Schedule.

List of deputies.

36. The returning officer shall furnish to each candidate or his agent, at least two days before polling day, a list of all deputy returning officers appointed to act in the electoral district, with the name or number of the polling division or polling station at which each is to act.

Safe-keeping of ballot papers.

37. Except as provided in Section 51 of this Act, until the opening of the poll the deputy returning officer shall keep the blank poll book, forms of oaths, envelopes and ballot papers carefully locked up, together with the ballot box, and shall take every precaution for their safekeeping and for preventing any person from having unlawful access to them.

Information as to poll clerks.

38. Each deputy returning officer shall as soon as practicable after his appointment and in any case not later than two days prior to the day of polling, furnish to the returning officer the name, occupation and address of his poll clerk and the returning officer shall, not later than twelve o'clock noon of the day prior to the day of polling, post up in his office, and as well forward to the chief electoral officer, a list of the names and addresses of the deputy returning officers and poll clerks, with the occupation of each, showing the polling station where

each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to six o'clock in the evening of the same day.

When deputy dies or is unable to act.

39.—(1) When a deputy returning officer dies or refuses or is unable to act, the returning officer may appoint another person in his stead as deputy returning officer, who before acting as such, shall take the oath in Form No. 6 of the said Second Schedule, and if no such appointment is made, the poll clerk without taking another oath of office, shall act as deputy returning officer.

Another poll clerk appointed.

(2) Whenever the poll clerk acts as deputy returning officer, he shall, by an appointment as in Form No. 16 of the said Second Schedule, appoint a poll clerk to act in his stead, who shall take the oath as in Form No. 8 of the said Second Schedule.

Returning officer may act as deputy.

(3) If the returning officer sees fit to act in the capacity of deputy returning officer for any polling station, he may dispense with appointing a deputy for such station, and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is required to take as returning officer.

Ballot boxes.

40. The chief electoral officer may cause to be made for each electoral district such ballot boxes as are required, or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape.

Construction of ballot boxes.

41. The ballot boxes shall be made of some durable material with one lock and key and a slit or narrow opening in the top and so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked. Such ballot boxes shall be under the control of the chief electoral officer.

Form of ballot

42. The ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names of the candidates for the electoral district alphabetically arranged in the order of their surnames, or in the case of two or more candidates with the same surname, in order of their other names, shall be printed exactly as they are set out in the nomination paper. Each ballot paper shall have a number printed or written on the back and shall have attached a counterfoil with the same number printed or written on the face, and there shall be a line of perforations between the ballot and the counterfoil. The ballot papers for each electoral district shall be numbered consecutively from one upwards.

Quality and weight of paper.

43. The form of the ballot and the quality and weight of the paper therefor shall be prescribed by the chief electoral officer.

Property in His Majesty.

44. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election under this Act shall be in His Majesty and in any indictment or other prosecution for an offence in relation thereto the property shall be so stated.

Indictable offences; penalty.

45. Everyone who—

(a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

(b) without authority supplies a ballot paper to any person;

(c) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in;

(d) fradulently takes a ballot paper out of a polling station;

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box, or any book, or any packet of ballot papers then in use for the purpose of the election;

(f) being a deputy returning officer, fraudulently and otherwise than as authorized by this Act, puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;

(g) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(h) being authorized by the chief electoral officer or a returning officer to print the ballot papers for an election, with fraudulent intent, prints more ballots than he is authorized to print;

(i) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any number or mark with intent that the elector to whom such ballot paper is to be or has been given, may be identified thereby;

(j) manufactures, constructs, imports into Newfoundland, has in possession, supplies to any election officer, or uses for the purpose of an election, or causes to be manufactured, constructed, imported into Newfoundland, supplied to any election officer, or used for the purpose of an election any ballot box containing or including any compartment, appliance, device or mechanism, by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

(k) attempts to commit any offence specified in this section;

shall be guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding three years and not less than six months, and if he is any other person, to imprisonment for a term not exceeding one year and not less than three months.

Electors; qualifications of.

46. Except as in this Act otherwise provided, every person who—

(a) is a British subject;

(b) is of the full age of twenty-one years on the day of polling; and

(c) has, for the period of two years immediately preceding the day of polling, been ordinarily and bona fide resident in Newfoundland.

shall be entitled to vote in the electoral district in which he is ordinarily and bona fide resident on the day of polling or, in the case of a person who has in the course of his employment, trade, business, or profession been continuously resident, for a period of two months immediately preceding the day of polling, in an electoral district other than that in which he is ordinarily and bona fide resident, shall be entitled to vote in the electoral district in which he has been so resident in the course of such employment, trade, business, or profession: Provided that any person who has served in the naval, military or air forces or the mercantile marine of Newfoundland or of the United Kingdom or any of her allies or in the Newfoundland Forestry Unit in consequence of the 1939-45 war shall be deemed to have been ordinarily and bona fide resident during the period of such service in

the electoral district in which he has resided immediately prior to such period of service.

Certain persons disqualified from voting.

47. The respective persons hereunder mentioned shall not be qualified to vote at an election under this Act.

(a) Returning officers and election clerks: Provided that the returning officer may vote in the case of an equality of votes between candidates as hereinafter provided.

(b) Persons held in custody under warrant of commitment in any penitentiary, prison or gaol.

(c) Patients in the Hospital for Mental and Nervous Diseases.

(d) Inmates of the Home for Aged and Infirm.

List of electors to be compiled from 1945-46 Census.

48.—(1) The Governor in Commission shall, before the election is appointed to take place, cause to be prepared a list of electors in the manner hereinafter provided:

(a) The chief electoral officer shall compile or cause to be compiled a list of electors for each of the electoral districts provided for under this Act, from the Census of Newfoundland taken in the years 1945 and 1946.

(b) The said lists of electors shall be certified by the chief electoral officer and shall be used for the purpose of the election.

Qualified persons whose names not on list may vote.

(2) Nothing in this section contained shall prevent the taking of the votes under Section 62 of this Act of persons qualified to vote whose names do not appear in the said lists of electors.

Who may be present at polling station.

49.—(1) No person other than the deputy returning officer and the poll clerk, the candidates and their agents not exceeding one in number for each candidate in each polling station, and in the absence of agents, one elector to represent each candidate on the request of such elector, shall be permitted to remain in the polling station during the hours of polling.

Oath of secrecy.

(2) Each of the agents of such candidates and, in the absence of agents, each of the electors representing each candidate, on being admitted to the polling station shall take an oath as in Form No. 18 of the said Second Schedule to keep secret the name of the candidate for whom any of the electors has marked his ballot paper in his presence.

Agent authorized in writing.

(3) Any agent bearing a written authorization from a candidate shall always be entitled to represent such candidate in preference to and to the exclusion of any elector who might otherwise claim the right of representing such candidate under this Act.

Who is deemed agent for candidate.

(4) Any person producing to the returning officer or deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate.

Station at which deputy returning officer, etc., may vote.

50. A deputy returning officer, poll clerk, or agent, entitled to vote at an election, shall have the right to vote at the polling station where he shall be actually engaged during polling day, instead of at the station where he would otherwise have been entitled to vote.

Counting of ballots before opening of poll.

51.—(1) If the agents and electors entitled to be present in the polling station during the hours of polling are in attendance at least thirty minutes before the hour fixed for opening the poll, they shall be entitled to

have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll and to inspect such ballot papers and all other papers, forms and documents relating to the poll.

Candidate may act as his own agent.

(2) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

Presence of agents not required.

(3) The non-attendance of any agent or agents of candidates at any time or place required by this Act, shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and whenever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise, in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done.

Polling stations.

52.—(1) The poll shall be held in each polling division in a room or building of convenient access, not being a place of public worship or licensed for the sale of intoxicating liquors, with an outside door for the admittance of electors, and having, if possible, another door through which they may leave after having voted.

Compartments in polling station.

(2) The polling station shall contain one or more compartments so arranged that each elector may be screened from observation, and may, without interference or interruption, mark his ballot paper.

Table or desk in compart-

(3) In such compartment there shall be provided for the use of electors in marking their ballots, a table or

desk with a hard and smooth surface and a suitable black lead pencil.

Instructions to returning officers.

(4) The chief electoral officer may give to the returning officer such instructions as are deemed necessary as to the mode of making the compartments.

Hours of polling.

(5) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until eight o'clock in the evening of the same day and each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors qualified to vote at such polling station.

Directions to be posted.

(6) The deputy returning officer shall on polling day, at or before the opening of the poll, cause such printed directions to electors as have been supplied to him as in Form No. 15 of the said Second Schedule to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station.

Opening, locking and sealing of ballot boxes.

53.—(1) At the hour fixed for opening the poll, the deputy returning officer and the poll clerk shall in the presence of the candidates, their agents or not less than three electors whose names shall be recorded on the poll book, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked and sealed in such manner as to prevent its being opened without breaking such seal, and the deputy returning officer shall keep the key thereof, and the box shall then be placed on a table in full view of all present and shall be maintained there until the close of the poll.

(2) Immediately after the ballot box is so locked and sealed, the deputy returning officer shall announce that voting may begin. Deputy returning officer to announce voting may begin.

(3) The deputy returning officer shall arrange for the admittance of electors into the polling station and shall see that electors are not impeded or molested therein. Electors not to be impeded.

(4) Not more than one elector for each compartment shall at any time enter the polling station, and each elector upon so entering shall declare his name, occupation and address, which particulars shall be entered in the poll book as in Form No. 19 of the said Second Schedule, a number being prefixed to the elector's name. One elector at a time.

54.—(1) Except as otherwise provided in this Act, every person shall be entitled to vote whose name appears on the lists of electors prepared under this Act, and he may vote at the polling station of the polling division in which he resides and at no other. Who may vote and where.

(2) No elector shall vote in more than one electoral district or more than once in any electoral district, but each elector may vote for as many candidates as are required to be elected to represent the electoral district in which he votes. Voting more than once in same electoral district.

55.—(1) Where the correct name, address and occupation of a person demanding a ballot paper is not on the list of electors for the appropriate electoral district but there is contained in such list a name, address and occupation which correspond so closely with the name, address and occupation of such person as to suggest that the entry in such list was intended to refer to him, such person shall, upon taking an oath as in Form No. 20 of the said Second Schedule and complying in all other respects with the provisions of this Act, be entitled to receive a ballot and to vote. Name, address and occupation of elector corresponding closely to another may vote on taking oath.

Entries in poll book.

(2) In any such case, the name, address or occupation as stated in the list of electors shall be corrected therein according to the facts and correctly entered in the poll book, and the fact that the oath has been taken shall be entered in the proper column of the poll book and the words "list of electors corrected" in the remarks column thereof.

Elector refusing to be sworn.

56.—(1) An elector, if required by the deputy returning officer, the poll clerk, one of the candidates or an agent of a candidate, or by any elector present, shall before receiving his ballot paper, take an oath as in the appropriate Form No. 21 or No. 22 of the said Second Schedule and if he refuses to take the same, erasing lines shall be drawn through his name on the list of electors and in the poll book, if such name has been entered in the said book, and the words "refused to be sworn" shall be written thereafter.

Elector refusing oath not entitled to vote.

(2) No elector who has refused to take any oath or affirmation, or to answer any questions, or produce any evidence as by this Act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling station.

Improper varying of oath.

(3) If any deputy returning officer, or other person presiding at a polling station, in administering to any persons any oath mentions as a disqualification any fact or circumstance which to his knowledge is not a disqualification according to the provisions of this Act, he shall be guilty of an offence against this Act.

Correction in list of electors.

57. The poll clerk shall—

(a) make such additions, alterations and erasures in the list of electors and such entries in the poll book as the deputy returning officer, pursuant to any provision of this Act, directs;

(b) enter in the poll book, opposite the name of each elector, as soon as the elector's ballot paper has been deposited in the ballot box, the word "voted";

(c) enter in the poll book, opposite the name of any elector whose ballot paper has been marked for him, the reason why such ballot paper was so marked;

(d) enter in the poll book, opposite the name of any elector to whom a second ballot has been delivered because of the defacement or destruction of the first, the words "second ballot";

(e) enter in the poll book opposite the name of any elector to whom a ballot paper has been given, after another has voted in the same name and who has taken the oath of identity as in Form No. 23 of the said Second Schedule, the words "second voter";

(f) enter in the poll book opposite the name of every person who has been permitted to vote under the provisions of Section 62 of this Act, the words "supplementary list";

(g) enter in the poll book, the word "sworn" or "affirmed" opposite the name of each elector to whom any oath or affirmation as to qualification or otherwise has been administered, indicating the nature of the oath of affirmation;

(h) enter in the poll book the words "refused to be sworn" or "refused to affirm" or "refused to answer" opposite the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Secrecy during poll

58.—(1) Every candidate, election officer, clerk, agent or other person in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting and no candidate, election officer clerk, agent or other person shall—

(a) at the polling station interfere with, or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;

(b) at the counting of the votes, attempt to ascertain the number on the back of any ballot paper;

(c) at any time communicate, except to a court or judge lawfully requiring him so to do, any information as to the number on the back of the ballot paper given to any elector at a polling station;

(d) at any time or place, directly or indirectly induce or endeavour to induce any elector to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted;

(e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any elector at such polling station is about to vote or has voted; or

(f) at any counting of votes attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Offence.

(2) Every person who contravenes or fails to observe any of the provisions of this section shall be guilty of an offence against this Act.

Ballot paper not to be shown except in certain cases.

59. No elector, unless unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he has voted to be known, and any person who violates the provisions of this section shall be guilty of an offence against this Act.

Ballot paper to be initialled

60.—(1) Voting shall be by ballot and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has previously put his initials so placed that when the ballot paper is folded they can be seen without opening it and the ballot paper shall be detached from the counterfoil and delivered to the elector within the polling station, and the number of such elector entered upon the poll book shall be marked on the counterfoil.

Instructions to elector on receiving ballot paper.

(2) The deputy returning officer shall instruct the elector as to the proper manner of marking his ballot paper, and shall properly fold the elector's ballot paper, directing him to return it when marked, folded as shown, but without inquiring or seeing for whom he intends to vote, except in the case of an elector who is unable to read or is incapacitated by blindness or any physical cause from marking his own ballot paper.

Mode of voting.

(3) The elector on receiving the ballot paper shall forthwith proceed into a compartment of the polling station and there mark his ballot paper by making a cross with a black lead pencil within the space containing the name of the candidate or of each of the candidates for whom he intends to vote, after which he shall fold the ballot paper so as to conceal his vote and hand it so folded up to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials and the number upon it and by comparing the number upon it with the number upon the counterfoil, that it is the

ballot paper which he furnished to the elector, and shall then immediately and in the presence of the elector place the ballot paper in the ballot box.

Spoiled ballot paper.

(4) An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall restore it to the deputy returning officer, who shall deface it in such manner as to render it a spoiled ballot and deliver another in its place.

Elector in whose name another has voted.

(5) Subject to the provisions of this Act, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, he shall be entitled to receive a ballot paper and to vote after taking the oath as in Form No. 23 of the said Second Schedule and otherwise establishing his identity to the satisfaction of the deputy returning officer. In such case the deputy returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to that entered on the poll book opposite the name of such elector and the poll clerk shall enter in the poll book—

(a) the name of such elector;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of any and of which of the candidates.

Elector unable to mark his ballot. paper.

61.—(1) The deputy returning officer on the application of any elector who is unable to read or is incapacitated by blindness or other physical cause from marking

his own ballot paper, shall require the elector making such application to make oath as in Form No. 24 of the said Second Schedule of his incapacity to vote without assistance, and thereafter assist such elector by marking his ballot paper in the manner directed by such elector, in the presence of a sworn agent of each candidate or of a sworn elector representing him, if such agent or elector be present in the polling station, and of no other person, and shall place such ballot paper in the ballot box.

Entry in poll book.

(2) Whenever any elector has had his ballot paper marked as provided in the next preceding subsection, the deputy returning officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was marked by him.

No delay in voting.

(3) Every elector shall vote without undue delay, and shall leave the polling station as soon as his ballot paper has been put into the ballot box.

Name not on list.

62.—(1) The deputy returning officer shall, while the poll is open, if required by any person whose name is not on the appropriate list of electors and who is a resident in the polling division of such deputy, and is otherwise qualified to vote, administer to such person an oath as in Form No. 25 of the said Second Schedule, and such oath having been taken by such person, the deputy returning officer shall at once cause such person's name to be added to such list with the word "sworn" written thereafter, and such person may thereupon vote.

Poll clerk to make entries in poll book.

(2) The poll clerk shall make such additions, alterations and erasures in the list of electors, and such entries in the poll book as the deputy returning officer directs him to make.

Adjournment of poll.

63. If by reason of obstruction or other cause, any returning officer or his deputy shall be prevented or hinder-

ed from duly proceeding or taking the poll, he shall adjourn the poll till the next day, and, if the said next day is Sunday, then till the day following such Sunday, and to the next succeeding day also, if necessary, in order to complete the taking of the poll.

Returning officer and deputy to be conservators of peace.

64. Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace and he may—

(a) require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at the election;

(b) on a requisition made in writing by any candidate or by his agent or by any two electors, swear in such special constables as he deems necessary;

(c) arrest or cause by oral order to be arrested, and place or cause to be placed in the custody of any constable or other person, any person disturbing the peace and good order at the election;

(d) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

Respecting offensive weapons.

65. No person other than the returning officer or his deputy, the poll clerk, or one of the constables or special constables appointed by the returning officer or his deputy for the orderly conduct of the election or poll and the preservation of the public peace thereat, shall, during any part of the day upon which the poll is to remain open, arm himself with offensive weapons of any kind, unless called upon to do so by lawful authority and

every person contravening the provisions of this section shall be guilty of an offence against this Act.

No liquors to be sold on polling day.

66. No alcoholic liquor shall be sold within any electoral district on polling day for such district and every person contravening the provisions of this section shall be guilty of an offence against this Act.

Counting votes by deputy returning officers.

67.—(1) Immediately after the close of the poll the deputy returning officer shall, in the following order—

(a) place all the defaced ballots in an envelope and seal the same;

(b) place all counterfoils in an envelope and seal the same;

(c) count the number of electors whose names appear on the poll book as having voted and make an entry thereof on the line immediately below the name of the elector who voted last, thus: "The number of electors who voted at this election in this polling station is (stating the number)", and sign his name thereto:

(d) in the presence of and in full view of the poll clerk and of such of the candidates or their agents as are present, and of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine the face of each ballot; and

(e) while counting the votes keep the ballot papers face upwards, and take all proper precautions for preventing any person from seeing the number on the back of any ballot paper.

Rejection of ballots.

(2) In counting the votes, the deputy returning officer shall reject all ballot papers—

(a) which have not been supplied by him;

(b) by which votes have been given for more candidates than are to be elected; or

(c) upon which there is any writing or mark by which the elector could be identified: Provided that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer in accordance with the provisions of this Act.

(d) from which it is uncertain for which candidate or candidates such elector has voted.

Objections to ballot papers.

(3) The deputy returning officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; and the decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

Duties after counting the votes.

(4) All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, and the ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes or parcels; all rejected, spoiled and unused ballot papers shall respectively be put into separate envelopes or parcels and all such envelopes or parcels shall be endorsed so as to indicate

their contents, and shall be signed and sealed by the deputy returning officer, and by such agents present as may desire to do so.

Statement by deputy.

(5) The deputy returning officer shall make out a statement in triplicate, as in Form No. 26 of the said Second Schedule, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer, and the third copy to be enclosed by him in a special envelope supplied for the purpose, which envelope he shall seal and deposit in the ballot box; and he shall also deliver to each of the candidates, or to their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate as in Form No. 27 of the said Second Schedule of the number of votes given for each candidate, and of the number of rejected ballot papers, and mail to each candidate, to his address stated in the ballot paper, a like certificate.

Documents enclosed in ballot box.

(6) The poll book, the envelopes containing the ballot papers, the envelope containing the list of electors, and all other documents used at the election shall then be placed in the large envelope supplied for the purpose, and this large envelope shall then be sealed and placed in the ballot box together with the envelope mentioned in the next preceding subsection, which, being first locked and sealed with the seal of the deputy returning officer, shall be forthwith delivered by the deputy returning officer to the returning officer, or to the election clerk, or to one or more persons specially appointed for that purpose by the returning officer, under the provisions of subsection (9) of this section.

Oaths by deputy and poll clerk.

(7) The deputy returning officer and the poll clerk, immediately after the completion of the steps hereinbefore in this section required to be taken, shall take and subscribe respectively the oaths as in Forms No. 28 and No.

29 of the said Second Schedule, and shall forward the same to the returning officer.

Ballot box, key and accounts to be delivered to returning officer.

(8) The deputy returning officer shall, with the ballot box, deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box and the polling station accounts furnished him in blank by the returning officer, having first caused them to be filled in and signed by the officials of his polling station entitled to fees.

Appointment of messenger.

(9) The returning officer shall appoint a person or persons by writing as in Form No. 30 of the said Second Schedule, to collect the ballot boxes and parcels from the several polling stations in his electoral district, and to convey the same to the returning officer. Such person or persons shall before proceeding to discharge the duties aforesaid take the oath prescribed as in Form No. 31 of the said Second Schedule, before the returning officer, a deputy returning officer, or a justice of the peace and upon the performance thereof the oath as in Form No. 32 of the said Second Schedule.

Custody of ballot boxes.

68.—(1) The returning officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

Opening of boxes and addition of votes.

(2) After all the ballot boxes have been received the returning officer, at the place, day and hour appointed by him and in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, shall open such ballot boxes, and from the statements therein, returned by the deputy returning of-

ficers, of the ballot papers counted by them, add together the number of votes given for each candidate.

Declaration of election.

(3) Upon such addition, the candidate receiving the largest number of votes, together with, in the case of electoral districts entitled to elect more than one representative, the candidate or candidates up to the remaining number entitled to election standing next in order on the basis of the number of votes received shall, subject to the provisions of Section 22 of this Act, be declared elected, and such declaration shall be in writing as in Form No. 33 of the said Second Schedule and a copy thereof shall be forthwith delivered to each candidate or his agent if present at the final addition of votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

(4) Whenever, on such addition of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle any of such candidates to be declared elected, the returning officer shall proceed to recount the votes according to the rules set forth in Section 67 of this Act and if upon such recount an equality as aforesaid is still found to exist the returning officer shall give such additional vote.

Adjournment of addition of votes.

69.—(1) In case all the ballot boxes are not returned or any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if, for any other cause the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the adding up of the number of votes given for each candidate, and so from time to time until the exact number of votes given for each candidate can be ascertained.

Provision in case of loss of ballot boxes.

(2) If the ballot boxes or any of them have been destroyed or lost, or for any reason have not been received by him on the day appointed, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other person having them, the statements or the certificates or copies of the statements or the certificates, of the number of votes given to each candidate required by this Act, the whole verified on oath.

If statements, etc., cannot be obtained.

(3) If the statements or the certificates or any of them, or copies thereof cannot be obtained, the returning officer shall ascertain by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations, and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

Duty of returning officer if statement not in ballot box.

(4) In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of such deputy returning officer, and, to that end, shall have the powers set out in the next preceding subsection.

Declaration of election.

(5) When the returning officer has proceeded in accordance with the provisions of this section, the number of votes appearing to him to have been received by the several candidates shall, for the purpose of the declara-

tion required by subsection (3) of Section 68 of this Act, be deemed to be the number of votes actually received by the several candidates, and the returning officer shall report to the chief electoral officer the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Not obeying summons of returning officer.

(6) Any person refusing or neglecting to attend on the summons of a returning officer issued under the provisions of this section shall be guilty of an offence against this Act.

Returning officer to forward certain things to chief electoral officer.

70. The returning officer shall in such manner as may be directed by the chief electoral officer, forward to him the declaration of election, together with his return, all the ballot boxes, packets of ballot papers and packets of certificates in his possession, the ballot paper accounts, lists of electors marked by the deputy returning officer, statements relating thereto, sent by each, and all the original documents in his possession, endorsing on each packet a description of its contents, and the date of the election to which they relate, and the name of the electoral district for which such election was held.

Penalty for misconduct of returning officer.

71. If any returning officer wilfully delays, neglects or refuses duly to declare elected any person who ought to be so declared such person may, in case it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been declared elected, sue the returning officer having so wilfully delayed, neglected or refused duly to make such declaration of his election, in the Supreme Court, and shall recover a sum not exceeding five hundred dollars together with all damages he has sustained by reason thereof and full costs of suit: Provided that such action shall be commenced within six

months after the conclusion of the trial of the petition relating to such election.

Recount by judge.

72. In case it is made to appear within twenty-one days after the day on which the returning officer has made the final addition of the votes, for the purpose of declaring the candidate or candidates elected, on the affidavit of any credible witness, to a judge that such witness believes that the deputy returning officer in counting the votes has improperly counted or rejected any ballot papers at such election, or that the returning officer or deputy returning officer has incorrectly added up the votes, and in case the applicant deposits within the said time with the registrar the sum of one hundred dollars as security for the costs of the recount in respect of the candidate appearing by the addition to be elected, the said judge shall, within four days after the receipt of the said affidavit by him, appoint a time and place at which he will proceed to recount the same or to make the addition, as the case may be, and shall summon and command the chief electoral officer or the assistant electoral officer, to attend then and there with the parcels containing the ballot papers used at the election, which command the chief electoral officer or assistant shall obey.

Who may be present at recount.

73. The judge, the chief electoral officer or the assistant electoral officer and each candidate or his agent appointed to attend shall be present at such addition or recount.

Judge to recount votes

74. At the time and place appointed, the judge shall proceed to add up the votes or as the circumstances may require to recount all the votes or ballot papers returned by the returning officer, after having in the presence of the parties aforesaid, if they attend, opened the sealed packets containing:

(a) The used ballot papers which have been counted.

(b) The rejected ballot papers.

(c) The spoiled ballot papers.

Count to proceed continuously.

75. The judge shall, so far as practicable, proceed continuously except on Sunday, with such addition or recount and during any period of adjournment the said judge shall take precautions for securing the secrecy and safe custody of the ballot papers and other documents relating to the election.

Judge to certify to chief electoral officer the candidate elected.

76. The judge shall proceed to recount the votes according to the rules set forth in Section 67 of this Act, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate and upon the completion of such recount, or as soon as he has thus ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets and shall forthwith certify the result to the chief electoral officer, who shall then make a declaration of election in accordance with the provisions of Section 68 of this Act, and in case of equality of votes, the names of the candidates who have received an equal number of votes shall then and there be written upon cards, which cards shall be put into a box and the chief electoral officer or his clerk shall draw one of the said cards from the box in the same manner as is done by the sheriff in drawing the names of jurors for a jury panel, and the candidate whose name is upon the card thus drawn shall be declared elected.

Chief electoral officer to correct declaration of returning officer if necessary.

77. The chief electoral officer, after the receipt from the judge of the certificate of the result of such addition or recount shall, if necessary, correct the declaration made by the returning officer in accordance with such certificate.

Costs to be ordered and taxed, if recount does not affect the return.

78. In case such addition or recount does not so alter the result of the poll as to affect the declaration of election, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the deposit referred to in Section 72 of this Act shall be paid out to the said candidate on account thereof so far as necessary, and the said judge shall tax the costs on giving his decision; and if the deposit is insufficient the party in whose favour costs are allowed may sue for the balance.

No person required to say for whom he voted.

79. No person who has voted at an election shall, in any legal proceeding to question the election or the result thereof, be required to state for whom he has voted.

Respecting packets of counterfoils.

80. No person, except by order of the court having cognizance of an election petition complaining of an undue return or an undue election, shall open the packets of counterfoils after the same have been once sealed up or be allowed to inspect any such counterfoils after the same have been once sealed up by the deputy returning officer: Provided that such order shall not be made by the said court until it has been proven and declared on the trial of such petition that the vote of any elector is invalid, and provided that, in the making and carrying into effect of any such order, care shall be taken to keep secret the vote of every elector other than the elector or electors, whose vote shall be declared to be invalid.

Procedure.

81. It shall be sufficient for the plaintiff in any civil action or suit taken under this Act to state that the defendant is indebted to him in the sum of money thereby claimed, and to allege the particular offence for which the action is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

Competent witnesses.

82. In any civil action, suit or proceeding, under this Act, the parties to the same, and the husbands or

wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits, but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against any party or any person giving the same.

Limitation of actions.

83. Subject to the provisions of Section 71 of this Act, every prosecution for an offence under this Act and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of one year next after the act or omission on which it is grounded and not afterwards, unless such commencement be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, and, once commenced, shall be proceeded with and carried on without delay.

Certified copies of documents from chief electoral officer to be prima facie evidence.

84. The chief electoral officer may deliver certified copies of any writ, list of electors, returns, reports, and other documents, except counterfoils, in his possession, relating to any election, and such copies shall be received and be held as prima facie evidence on the trial of any controverted election or in any prosecution or suit under this Act before any court or judge.

Respecting the taking of oaths.

85. Any person before whom it is required or intimated by any form in the said Second Schedule to this Act that any oath be taken or any affirmation made in the manner in this Act provided, shall have power to administer any oath or affirmation required by this Act, and the deputy returning officer may administer any such oath or affirmation, except only such as may be required to be administered to the returning officer.

Respecting perjury.

86. Every person taking an oath or affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

Governor may give orders or directions by proclamation.

87. For the carrying out of an election under this Act, the Governor may by proclamation, give any order or direction not inconsistent with the provisions of this Act.

Non-compliance with forms not to affect election in certain cases.

88. No election shall be declared invalid by reason of non-compliance with the provisions of this Act, as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the returning officer under the provisions of this Act, or of any mistake in the use of the forms contained in the said Second Schedule, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Tariff of fees and expenses.

89.—(1) The Governor in Commission may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff.

Fees, etc., to be paid by Commissioner.

(2) Such fees, costs, allowances and expenses shall be paid by the Commissioner to such person or persons, as may be recommended to him by the chief electoral officer, for distribution to the several officers and persons entitled thereto and the person or persons making such distribution shall report thereon to the Commissioner through the chief electoral officer.

Certificate of returning officer as to accounts.

(3) The returning officer shall certify the correctness of the accounts of his deputy returning officers, and of all other persons employed by him or them in conducting an election under this Act.

Personation.

90. Any person who shall at any election apply for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictit-

ous person, or having voted once at an election applies at the same election for a ballot paper in his own name, and any person aiding, abetting, counselling, or procuring the same, shall be guilty of an offence against this Act.

Illegal payments.

91.—(1) The following persons shall be guilty of an offence against this Act:

(a) Every person who shall directly or indirectly by himself, or by any other person on his behalf, give or lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such elector having voted or refrained from voting at any election.

(b) Every person who shall directly or indirectly by himself, or by any other person on his behalf, give or procure, or offer or promise to procure, or endeavour to procure any office, place of employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any elector having voted or refrained from voting at any election.

(c) Every person who shall directly or indirectly by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement, as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the election of any person to serve

as a representative or the vote of any elector at any election.

(d) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or promise or endeavour to procure, the election of any person to serve as a representative or the vote of any elector at any election.

(e) Every person who shall advance or pay, or cause to be advanced or paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be used contrary to the provisions of this section at any election, or who shall knowingly advance or pay, or cause to be advanced or paid, any money to any person in discharge or repayment of any money wholly or in part so used at any election.

Legal payments.

(2) The foregoing subsection shall not extend, or be construed to extend, to any money paid, or agreed to be paid, for or on account of any legal expenses bona fide incurred at or concerning any election.

Respecting intimidation.

92. Every person who shall directly or indirectly by himself, or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict, or threaten to inflict, by himself, or by any other person, any injury, damage, harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or having refrained from voting at any election, or who shall, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise by any elector, or who shall thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election, shall be guilty of an offence against this Act.

Corrupt practices.

93. Offences under Sections 90, 91 and 92 of this Act shall be deemed to be corrupt practices within the meaning of this Act.

Interference with returning officers.

94. It shall be unlawful for any candidate, or for any person on his behalf, to direct, control, or advise any returning officer in or about any matter pertaining to the duties of such returning officer, and any candidate or any other person contravening the provisions of this section shall be guilty of a corrupt practice within the meaning of this Act.

Unlawful to pay agents of candidates.

95. It shall be unlawful for any candidate, or for any person on his behalf, to pay any money to any agent of any candidate, and any candidate or other person by whom such payment is made shall be guilty of a corrupt practice within the meaning of this Act.

Privilege of witnesses.

96. Subject to the provisions of Section 79 of this Act, no person shall be excused from answering any question put to him in any action, suit or other proceeding before any judge, court or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to incriminate such person as an offender under this Act.

Officials not to act as agents.

97. No returning officer or deputy returning officer or a partner or clerk of either of them, shall, in the electoral district of any such officer, act as agent for any candidate in the management or conduct of his election for such district, and if any returning officer or deputy returning officer, or a partner or clerk of either of them, so acts, he shall be guilty of an offence against this Act.

General penalty.

98. Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not ex-

ceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

Petition

99.—(1) A petition complaining of an undue return or undue election of a representative, or of no return or double return, or of any unlawful act committed by any candidate not returned by which such candidate is alleged to have become disqualified to serve at the National Convention, may be presented to the Supreme Court hereinafter called "the Court" by any one or more of the following persons—

(a) any person who had the right to vote at the election to which the petition relates;

(b) any person who voted at such election; or

(c) a candidate at such election.

Proof of right to be a petitioner.

(2) The production of the list of electors containing the name of the petitioner as set forth in the petition, or of a copy thereof certified by the chief electoral officer to be a true copy of such list used at the election in the electoral district to which the petition relates, shall be conclusive evidence that the petitioner could lawfully present the petition; and if the petitioner was a candidate at such election, or if there is no such list, an affidavit by the petitioner that he was a candidate or an elector at such election, as the case may be, shall be conclusive evidence that the petitioner could lawfully present the petition.

Petition complaining of no return.

100. Whenever a petition is presented under this Act complaining of no return, such order may be made thereon by the Court as is deemed expedient for compelling a return to be made; or the Court may allow such petition to be tried in the manner herein provided with respect to ordinary election petitions.

When returning officer respondent.

101. Whenever any election petition complains of the conduct of any returning officer, such returning officer shall be deemed to be a respondent.

Two or more candidates may be respondents

102. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time, but as regards the security to be given on behalf of the petitioner, and for all other purposes of this Act, such petition shall be deemed to be a separate petition against each respondent.

Form of petition.

103. The petition need not be in any particular form, but it must complain of the undue return or undue election of a representative, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of some unlawful act as aforesaid, by any candidate not returned, and it must be signed by the petitioner, or by all the petitioners if there are more than one.

Time for presenting petitions against return.

104. A petition complaining of the undue return or the undue election of a representative, or of a double return, shall be presented within one month after the return has been made to the chief electoral officer of the representative to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any representative, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within one month after the date of such payment.

Amendment of petition.

105. Any petition presented within any of the times hereinbefore limited, may, upon an allegation of a corrupt or illegal practice upon which a petition might be

presented, and with the leave of the Court, be amended by alleging such corrupt or illegal practice at any time before the expiration of the time within which a petition based upon such corrupt or illegal practice might have been presented.

Petition where no return.

106. If a petition complains of no return it may be presented at any time after the expiration of seven days after the day upon which the return should have been made and before it is made.

Counter petition.

107. Any candidate against whom a petition has been presented, may, within fifteen days from the presentation of such petition, present a petition to the Court complaining of the undue return or undue election of any person, or of any unlawful act committed by any person who has been a candidate at an election under this Act.

How petition presented

108. Presentation of a petition shall be made by delivering it at the office of the registrar during office hours.

Security for cash.

109. At the time of the presentation of the petition, security for the payment of all costs, charges, and expenses that may become payable by the petitioner shall be given by him, or on his behalf, and shall be by two approved surieties, or by a deposit of money with the registrar to the amount of four hundred dollars and the registrar shall give a receipt for such deposit, which shall be evidence of the sufficiency thereof.

Service of petition.

110. Notice of the presentation of a petition under this Act, and of the security, accompanied by a copy of the petition, shall, within ten days or such further time as the Court shall allow for the filing of the petition, be served on the respondent or respondents: Provided that substituted service may be made by leave of the Court, as prescribed by the Judicature Act.

Preliminary objections.

111. Within five days after service of the petition and notice, or such further time as the Court shall allow, the respondent may file in the Registry of the Supreme Court any preliminary objection or grounds of insufficiency which he may have to urge against the petition or petitioners, or against any further proceeding thereon, and shall in such case at the same time serve a copy thereof upon the petitioner. The Court shall hear the parties on such objections and grounds and shall decide the same in a summary manner.

Answer may be filed.

112. Within five days after the decision upon the preliminary objections, if presented as aforesaid, and upon the hearing thereof, if disallowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition and serve a copy thereof upon the petitioner; but whether such answer be or be not filed, the petition shall be held to be at issue after the expiration of the time for filing the same, and the Court may at any time thereafter, upon the application of either party fix some convenient time for the trial of the petition.

List of petitions.

113. The registrar shall, as soon as possible, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, which shall be open to inspection by any person making application, and such petitions shall be tried in the order in which they stand on the list.

Trial of petition.

114. Every election petition shall be tried by a judge without a jury.

Place of trial.

115. The trial of an election petition shall take place at St. John's: Provided that, if it appears to the Court that special circumstances exist which make it desirable that the petition should be tried elsewhere than at St. John's, the Court may appoint such other place for the trial as appears most convenient.

Notice of trial.

116. Notice of the time and place at which election petitions will be tried shall be given not less than ten days before the day on which the trial is to take place.

Trial may be adjourned.

117. The trial may be adjourned from time to time and from one place to another upon cause shown supported by affidavit where special circumstances exist which in the opinion of the judge render it desirable so to do, but the trial shall as far as practicable be proceeded with from day to day until concluded.

Certificate by judge to Governor.

118. At the conclusion of the trial the judge shall determine whether the representative whose election or return is complained of or any or what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Governor, appending thereto a copy of the notes of the evidence, and the determination thus certified shall be final to all intents and purposes.

Judge's report if corrupt practices are charged.

119. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Governor as follows:

(a) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge or consent of any candidate at such election, and the nature of such corrupt practice.

(b) The names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice.

(c) Whether any corrupt practices have or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

Invalidation of election.

120. When it is found by the report that the judge upon a petition under this Act that any corrupt practice has been committed by, or with the knowledge or consent of any candidate at the election complained of, such candidate shall be deemed to be personally guilty of the corrupt practice and his election, if he has been elected, shall be void, and he shall be incapable of again being a candidate for election to the Convention.

Special case may be stated.

121. When, upon the application of any party to an election petition duly made to the judge, it appears to such judge that the case raised by the petition can be conveniently stated as a special case, he may direct the same to be so stated, and any such special case shall be heard before him, and he shall thereupon give such judgment as to justice may appertain, and shall certify to the Governor his decision on such special case in the manner and time specified hereinbefore.

Respecting evidence at trial.

122. Unless the judge otherwise directs, any charge of a corrupt practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

Directions by Governor after certificate of judge.

123. The Governor shall, at the earliest practicable moment after he receives the certificate and report, if any, of the judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, or for otherwise carrying the determination into effect.

Consolidation of petitions.

124. When more petitions than one are presented relating to the same election or return, all such petitions may be dealt with on the application of the respondent in the same manner as actions may be consolidated according to the practice of the Court.

Withdrawal of petition.

125. An election petition may be withdrawn by leave of the Court on application of the petitioners, subject to such terms as the Court may direct, or may upon the application of the respondent and by leave of the Court, be dismissed after two months from the filing thereof. for want of prosecution.

Withdrawal in case of several petitioners.

126. When there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

Costs in case of withdrawal.

127. If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent unless the Court otherwise orders.

Abatement of petition.

128. An election petition shall be abated in the following cases:

(a) The death, at any time before judgment, of a sole petitioner, either candidate or otherwise.

(b) The death of a respondent.

(c) If a second respondent gives notice to the Court, supported by affidavit, of his intention to withdraw his opposition to the pending petition, and then upon terms to be imposed by the Court.

Respecting costs.

129. All costs, charges and expenses paid or incurred by any party to an election petition shall be taxed and allowed by the registrar and may be recovered by execution as in ordinary cases.

Powers of Court.

130. The Court shall have all and the same powers as to summoning and compelling the attendance of witnesses and process and punishment for contempt as the Supreme Court. Subject to the provisions of Sections 79 and 96 of this Act, the general law of evidence and plead-

ing shall in all particulars govern the proceedings and trial upon an election petition.

Procedure.

131. The judge trying an election petition under this Act shall be deemed to be a judge sitting as the Supreme Court and the Court shall be a court of record and, where the procedure is not specially provided for under this Act, the procedure upon hearing of petitions provided under the Judicature Act and rules of court made thereunder shall apply so far as the same may be applicable.

Certain corrupt practices not to void election.

132. In case a corrupt practice or practices be committed by an agent without the knowledge and consent of the candidate, if the corrupt practice or practices was or were of such trifling nature or extent that the result cannot have been affected by such practice or practices, either alone or in conjunction with other corrupt practices at the election, such corrupt practice or practices shall not avoid the election.

Candidates not liable in certain cases for corrupt practice.

133. If it appears to the Court upon the trial of an election petition that an act constituting in law a corrupt practice was committed by a candidate or with his knowledge and consent, but without any corrupt intent, and by an inadvertence which was involuntary and excusable, and that the evidence showed the candidate to have honestly desired and in good faith endeavoured, as far as he could, to have the election conducted according to law, the candidate shall not be subjected to the penalties and disabilities which he would but for this section incur.

Offender not to be twice tried; proviso as to disqualification.

134. No person convicted of an offence against this Act shall be subject to be otherwise criminally prosecuted in respect of the same matter, but nothing in this section contained shall affect any disqualification imposed on such person by or under this Act.

Short title.

135. This Act may be cited as the National Convention Act, 1946.

First Schedule

FIRST SCHEDULE

ST. BARBE

(1) The District of St. Barbe shall consist of and include all that part of the Island extending from the centre of the mouth of Gregory River Northeasterly to the West Point of Open Bay, in the Strait of Belle Isle, bounded thence by a line running S. 24° W. until it intersects a line running East from the centre of the mouth of Gregory River and thence West to the centre of the mouth of Gregory River, together with the islands adjacent thereto.

WHITE BAY

(2) The District of White Bay shall consist of and include all that part of the Island extending from Cape St. John Northerly to the West Point of Open Bay, in the Strait of Belle Isle, bounded thence by a line running S. 24° W. until it intersects a line running East from the centre of the mouth of Gregory River; thence by a line running East 41 miles more or less; thence N. 25° E. 17½ miles, N. 49° E. 13½ miles, N. 60° E. 20 miles and N. 64° E. 18 miles more or less, to Cape St. John aforesaid, together with the islands adjacent thereto.

GREEN BAY

(3) The District of Green Bay shall consist of and include all that part of the Island extending from Cape St. John to Osmonton (inclusive) in the North West Arm of New Bay, bounded by a line commencing at Cape St. John, and running by the Southern boundary of White Bay District S. 64° W. 18 miles, S. 60° W. 20 miles, S. 49° W. 13½ miles, and S. 25° W. 17½ miles, thence South 10 miles, thence East 52½ miles, thence North to Osmonton, thence following the centre of North West Arm and

New Bay to opposite New Bay Head, together with the islands adjacent thereto.

GRAND FALLS

(4) The District of Grand Falls shall consist of and include all that part of the Island within the following boundaries, that is to say: By a line commencing at a point at Phillip's Head, Exploits River, running thence West 60 miles, thence South 15 miles, thence West 17 miles, thence South 17 miles, thence in a straight line and passing Northwest of Cormack Lake to the 58th degree of Longitude, thence South by said degree of Longitude to the North boundary of the District of Burgeo and LaPoile, at the 48th degree of Latitude, thence following said 48th degree of Latitude to the Northeast corner of the District of Burgeo and LaPoile, thence in a straight line to a point on the 56th degree of Longitude, said point being 17 miles South of the intersection of the 56th degree of Longitude with the 49th degree of Latitude, thence East 29 miles, thence North to the place of commencement at Phillip's Head.

LEWISPORTE

(5) The District of Lewisporte shall consist of and include all that part of the Island extending from Farewell Head to Osmonton (exclusive) and bounded as follows: Starting at Farewell Head and following the Western Shore of Dog Bay to the head of the said Bay, thence South 46 miles, thence West 34 miles, thence North to the Exploits River, and extending down same till it reaches the North shore of the same at Phillip's Head, thence West to a point bearing due South from the bottom of North West Arm at Osmonton, thence North to the bottom of North West Arm and thence following the centre of North West Arm and New Bay to opposite New Bay Head, together with the islands adjacent thereto, except

those included in District of Twillingate, and lying to the Westward of a line drawn North from Farewell Head but excluding any territory within a radius of five miles of the station of the Newfoundland Railway at Gander.

TWILLINGATE

(6) The District of Twillingate shall consist of and include the Islands of Twillingate and New World Island, and the following adjacent islands, that is: Salt Harbour Island, Ship Cove Island, Trump Island and Black Island adjacent.

FOGO

(7) The District of Fogo shall consist of and include all that part of the Island extending from Farewell Head to Rocky Point, starting at Farewell Head and following the Western shore of Dog Bay (or Horwood) to the head of the said Bay, running thence South 29 miles more or less to the 49° of Latitude, thence following the same to a point intersected by a line running S. 6° E. from Rocky Point, thence N. 6° W. to Rocky Point and including Fogo Islands, and all the Islands lying between a line bearing N. 37° E. from Rocky Point and a line bearing True North from Farewell Head but excluding any territory within a radius of five miles of the station of the Newfoundland Railway at Gander.

BONAVISTA NORTH

(8) The District of Bonavista North shall consist of and include all that part of the Island between Rocky Point and Freshwater Bay near Travers Brook, bounded by a line running S. 6° E. from Rocky Point until it reaches Freshwater Bay one-half mile to the Eastward of Travers Brook, thence following a line through the salt water between the islands and the mainland to North of

and excluding Greenspond Island, together with all the islands adjacent thereto bounded on the South by the last mentioned line produced Eastwardly, and on the North by a line running N. 37° E. from Rocky Point.

BONAVISTA CENTRE

(9) The District of Bonavista Centre shall consist of and include all that part of the Island lying between the bottom of Newman's Sound and a point near Traver's Brook, which is the West Boundary of the District of Bonavista North; bounded as follows: By a line running West from the bottom of Newman's Sound to a point intersected by a line running South from the bottom of Dog Bay, running thence by said line North to the 49° of North Latitude, thence by the said degree of Latitude to a point intersected by a line running S. 6° E. from Rocky Point and thence S. 6° E. by the said line to Freshwater Bay, to a point one-half mile to the Eastward of Travers Brook, and thence following a line through the salt water, between the Islands and the main land, to North of Greenspond Island, together with all the islands, including Greenspond Islands, bounded on the Northwest by the last described line and on the Southeast by a line running through Newman's Sound, Northwest of Seal Island, and produced Eastwardly, and all the islands adjacent thereto and including all the territory within a radius of five miles of the station of the Newfoundland Railway at Gander.

BONAVISTA SOUTH

(10) The District of Bonavista South shall consist of and include all that part of the Island lying between the bottom of Newman's Sound and the bottom of Blackhead Bay, bounded as follows, that is to say: By a line commencing at the bottom of Blackhead Bay running thence S. 50° W. 18½ miles, S. 76° W. 14 miles, West 32½ miles, to the intersection of a line running South from the

bottom of Dog Bay, North 16½ miles East, to the bottom Newman's Sound, thence following through the salt water and to the Northwest of Seal Island, together with all the islands adjacent thereto.

BONAVISTA EAST

(11) The District of Bonavista East shall consist of and include all that part of the Island lying between the bottom of Blackhead Bay and South Head, near Melrose, and bounded on the Southwest by a straight line connecting these two points, together with all the islands adjacent thereto.

TRINITY NORTH

(12) The District of Trinity (North) shall consist of and include all that part of the Island lying between South Head, near Melrose, and George's Brook, in Smith's Sound (exclusive), bounded as follows: By a straight line from South Head to the bottom of Blackhead Bay, thence by a line running S. 50° W. 18½ miles, S. 76° W. 14 miles, West 4 miles and thence South to and excluding George's Brook, thence following the centre of Random Sound to the entrance of the same; to include Random Island and also the islands adjacent to the said Random Island and the main part of the said District.

TRINITY CENTRE

(13) The District of Trinity (Centre) shall consist of and include all that part of the Island extending from George's Brook (inclusive) and a point near Hopeall Head, bounded as follows: By a line running North from near George's Brook to the South boundary of the District of Bonavista (South), thence West to a point intersected by a line running South from the bottom of Dog Bay, thence South 20 miles, to the 48° of Latitude, thence

East by the same 24 miles, thence South 10 miles, thence East to the Railway Track near Glenview, thence following the East side of the said Railway to and excluding Placentia Junction, thence S. 57 degrees E. 9 miles. thence N. 10 degrees E. to a point whence a line bearing East from near Hopeall Head intersects the same, thence West to the shore near Hopeall Head; together with the ilsands adjacent thereto, except Random Island and the islands included in the District of Trinity (North).

TRINITY SOUTH

(14) The District of Trinity (South) shall consist of and include all that part of the Island lying between a point near Hopeall Head and Lead Cove, inclusive, bounded as follows, that is to say, by a line commencing at a point near Hopeall Head, running thence East about 8 miles, thence N. 10° E. 9 miles, thence in a straight line to and including Lead Cove.

BAY DE VERDE

(15) The District of Bay de Verde shall consist of and include all that part of the Island lying between Lead Cove, exclusive, and Lower Small Point, exclusive, bounded as follows: Starting at a point Northeast of Lead Cove, thence by a line running about S. 30° W., 18 miles, thence in a straight line to the mouth of the main brook running into Broad Cove Pond, thence in a straight line to the outlet of Broad Cove Pond, thence by the magnet in 1925 S. 49° E. to the rear of the United Church at Broad Cove, thence by the magnet in 1925 S. 3° E. to the shore, together with Baccalieu Island, adjacent thereto.

HARBOUR GRACE

(16) The District of Harbour Grace shall consist of and include all that part of the Island lying between

Bristol's Hope, exclusive, and Bishop's Cove, inclusive, bounded Northeast by the District of Carbonear, and Southwest by the District of Bay Roberts, on the West by the District of Trinity South, and including Harbour Grace Island.

CARBONEAR

(17) The District of Carbonear shall consist of and include all that part of the Island from Bristol's Hope, inclusive, to Lower Small Point, inclusive, the Southerly boundary of the District of Bay de Verde, being the Northerly boundary, and the Southerly boundary being as follows: Commercing at the bottom of a cove being North of Long Harry, Harbour Grace, to run thence in a straight line to the junction of the old and new road leading to Bristol's Hope at the top of Bear's Cove Hill, thence in a straight line to the centre of the main road to Carbonear at its junction with the Rocky Pond Road, thence following the North side of the said road to its junction with a cart road leading to the old Carbonear Railway Track near the Maiden Ponds; thence following the North of the last mentioned road to the old Carbonear Railway, thence S. 80° W. to the District of Trinity South

BAY ROBERTS

(18) The District of Bay Roberts shall consist of and include all that part of the island lying between Bishop's Cove, exclusive, and the District of Port de Grave, bounded on the North as follows: Commencing at a place called "The Scrape" situate between Spaniard's Bay and Bishop's Cove, running thence by the magnet in 1925 N. 28° W. to the Spaniard's Bay Ridge Road, thence N. 77° W. (magnetic) to the District of Trinity South, bounded on the West by the Districts of Trinity South and Trinity Centre, and on the South as follows: Commencing at a point on the shore opposite the Southeast corner of Long Beach Pond, thence to the said corner of Long

Beach Pond, and following the South and West shores of the same to a crossroad; thence following the said cross-road and Delaney's Road to the Main Road around Conception Bay, thence in a straight line S. 52° W. to the District of Trinity Centre.

PORT DE GRAVE

(19) The District of Port de Grave shall consist of and include all that part of the Island lying between Long Beach Pond and Marysvale, exclusive, bounded on the North by the District of Bay Roberts, on the West by the District of Trinity Centre, and on the South by the District of Harbour Main, by a line running approximately due East and West.

HARBOUR MAIN

(20) The District of Harbour Main shall consist of and include all that part of the Island lying between Marysvale and St. Thomas, bounded by a line commencing on the shore of Marysvale where the river enters the same, thence following the centre of the said river to its outlet from Three Island Pond, thence through the said pond to the mouth of the river flowing into it, thence following the centre of the said river to Turk's Cut Long Pond, thence following through the centre of said pond to the Head thereof, thence in a straight line S. 79° W. to the East boundary of Trinity Centre District, thence by said District S. 10° W. about 12 miles, thence by the District of St. Mary's S. 57° E. 18½ miles, thence by the District of Ferryland N. 36° E. 27½ miles, thence by the District of St. John's West to the shore near and including St. Thomas.

BELL ISLAND

(21) The District of Bell Island shall consist of the Island of that name in Conception Bay.

ST. JOHN'S EAST

(22) The District of St. John's East shall consist of and include all that part of the Island lying between Cuckhold's Cove and a point on the shore of Conception Bay, 1½ miles East of the mouth of the River running into Portugal Cove, bounded as follows that is to say: By a line commencing at a point on the East side of Cuckhold's Cove, thence running in a straight line to the chimney of the General Hospital, thence in a straight line to the Monument in Mount Carmel Cemetery, thence in a straight line to the Southern side of Horwood's Bridge, on the Newtown Road, thence to a point in the centre of Freshwater Road, which is formed by the intersection of a straight line between the South side of Horwood's Bridge and the intersection of the old railway track with Pennywell Road, thence following the centre of Freshwater Road and Thorburn Road to the Red Bridge, thence running N. 30° W. (magnetic) to the North side of Windsor Lake, thence following the north shore of Windsor Lake and Round Pond to the junction of the old Broad Cove Road and Portugal Cove Road, thence in a straight line to a point on the shore of Conception Bay, 1½ miles East of the mouth of the River running into Portugal Cove, and thence by the seashore to the place of commencement.

ST. JOHN'S CITY (EAST)

(23) The District of St. John's City (East) shall consist of and include all that part of the Island bounded as follows: By a line commencing at a point on the East side of Cuckhold's Cove, thence running in a straight line to the chimney of the General Hospital, thence in a straight line to the Monument in Mount Carmel Cemetery, thence in a straight line to the Southern side of Horwood's Bridge on the Newtown Road, thence to a point in the centre of Freshwater Road which is formed by the intersection of a straight line between the South side of

Horwood's Bridge and the intersection of the old Railway Track with Pennywell Road, thence along the centre of Freshwater Road to Carter's Street, thence down the centre of Carter's Street and Carter's Hill to Playhouse Hill, thence along the centre of the same to Duckworth Street, thence Eastwardly along Duckworth Street to the top of Beck's Cove, thence down the centre of said Cove to the shore of St. John's Harbour, thence following the same and the seashore to the place of commencement.

ST. JOHN'S CITY (WEST)

(24) The District of St. John's City (West) shall consist of and include all that part of the Island bounded as follows: By a line commencing at the centre of Beck's Cove, thence following the West boundary of St. John's East (City) to its Northernmost corner in the centre of Freshwater Road, thence in a straight line to the junction of the old Railway Track and Pennywell Road, thence in a straight line to the junction of Blackmarsh Road and the extension of Hamilton Avenue, thence in a straight line to the North Side of Syme's Bridge, thence by the North shore of Waterford River and the Harbour to the place of commencement.

ST. JOHN'S WEST

(25) The District of St. John's West shall consist of and include all that part of the Island bounded as follows, that is to say: By a line commencing at the Motion Head of Petty Harbour, and running in a straight line to the Northern Gould's Bridge (locally known as Doyle's Bridge), thence following the centre of Doyle's Road to Short's Road, thence in a straight line to a point one mile West of Quigley's, thence in a straight line to a bridge on the St. Thomas Road, said bridge being about three-eighths of a mile to the Eastward of the junction of Clarke's Path with the St. Thomas Road, and thence in

the same straight line to the shore of Conception Bay, thence following the seashore to a point 1½ miles East of the mouth of the River running into Portugal Cove, thence in a straight line to the junction of the old Broad Cove Road with the Portugal Cove Road, thence following the North side of Round Pond and Windsor Lake to a point bearing N. 30° W. (magnetic) from the Red Bridge on the Thorburn Road, thence in a straight line to the Red Bridge, thence following the centre of the Thorburn Road and Freshwater Road to where the Municipal boundary of St. John's crosses the Freshwater Road, thence following the said boundary to the junction of the old railway track and Pennywell Road, thence in a straight line to the junction of Blackmarsh Road and the extension of Hamilton Avenue, thence in a straight line to the South side of Syme's Bridge, thence by the South shore of the Waterford River and the Harbour of St. John's and by the seashore to the point of commencement at Motion Head.

FERRYLAND

(26) The District of Ferryland shall consist of and include all that part of the Island lying between Cape Race, inclusive, and Motion Head, near Petty Harbour, by a line commencing at Motion Head and running in a straight line to the Northern Gould's Bridge (commonly known as Doyle's Bridge), thence by the Southwestern boundary of St. John's West District to the Southeastern boundary of the District of Harbour Main, and thence by said Southeastern boundary to its junction with the District of St. Mary's, thence S. 15° W. 21 miles, and thence in a straight line to and including Cape Race.

ST. MARY'S

(27) The District of St. Mary's shall consist of and include all that part of the Island lying between Cape Race, exclusive, and Big Barachois, in St. Mary's Bay, bounded

as follows: By a line commencing at Big Barachois, running thence West 10 miles, thence in a straight line to and excluding Placentia Junction, thence by Districts of Trinity South and Harbour Main S. 57° E. to the West boundary of Ferryland District, thence following the West boundary of said District to Cape Race, exclusive, together with the islands in St. Mary's and Trepassey Bays.

PLACENTIA EAST

(28) The District of Placentia East shall consist of and include all that part of the Island lying between Big Barachois, in St. Mary's Bay, and Glenview on the Come-Bye-Chance River, bounded as follows: By a line commencing at the mouth of Big Barachois and running West 10 miles, thence in a straight line to and including Placentia Junction, thence by the West side of the Railway Track to Glenview Station, thence Westerly to Come Bye Chance River, thence following the centre of the Come Bye Chance River to its mouth, and thence by the shore to the place of commencement, together with Crawley's Island, Long Harbour.

PLACENTIA WEST

(29) The District of Placentia West shall consist of and include all that part of the Island lying between Glenview and Rushoon West (inclusive) bounded as follows, that is to say: By a line commencing at the centre of Come Bye Chance River at Glenview, running thence West 4 miles, thence North 10 miles to the 48° of Latitude, thence along the said degree of Latitude 24 miles, thence South 25 miles, thence S. 37° W. 7½ miles, S 60° W. 17 miles, S. 48° W. 7 miles and S. 21° W. 5½ miles, thence in a straight line to and including Rushoon West and including all the islands in Placentia Bay North of Davis and Flat Islands, except Crawley's Island, Long Harbour.

BURIN EAST

(30) The District of Burin East shall consist of and include all that part of the Island lying between Rushoon West, exclusive, and Chamber's Point, bounded as follows, that is to say: By a line commencing at Chamber's Point and running thence N. 10° E. 16 miles, thence N. 43° E. 17 miles or thereabouts to the South West corner of the District of Placentia West, thence in a straight line by the South boundary of the said District to Rushoon West (exclusive), together with Flat Island and Davis Island, and all other adjacent islands.

BURIN WEST

(31) The District of Burin West shall consist of and include all that part of the Island lying between Chamber's Point and Devil Brook Head, bounded as follows: By a line commencing at Chamber's Point, and running by the District of Burin East, N. 10° E. 16 miles, N. 43° E. 17 miles or thereabout, to the Southwest corner of the District of Placentia West and thence in a straight line to and including Devil Brook Head, together with the islands adjacent thereto, except Brunette Island.

FORTUNE BAY

(32) The District of Fortune Bay shall consist of and include all that part of the Island lying between Devil Brook Head, exclusive, and Deadman's Bight, bounded as follows, that is to say: By a line commencing at a point at Deadman's Bight running thence N. 34° E. 14 miles, thence N. 69° E. 8 miles, thence North to the 48° of Latitude, thence following the said degree of Latitude to the Southwest corner of the District of Trinity Centre, thence South 25 miles, S. 37° W. 7½ miles, S. 60° W. 17 miles, S. 48° W. 7 miles, S. 21° W. 5½ miles, to the Southwest corner of the District of Placentia West, thence in a straight line to and excluding Devil Brook Head, togeth-

er with the Islands of Brunette and Sagona, and the other islands adjacent thereto.

HERMITAGE

(33) The District of Hermitage shall consist of and include all that part of the Island lying between Deadman's Bight and Fox Island (exclusive) bounded as follows, that is to say. By a line commencing at Fox Island and running North until it intersects the 48° of Latitude, thence following the said degree of Latitude to the Northwest corner of the District of Fortune Bay, thence by said District of Fortune Bay South 22 miles, more or less, S. 69° W. 8 miles and S. 34° W. 14 miles, more or less, to Deadman's Bight, together with the islands adjacent thereto.

BURGEO

(34) The District of Burgeo shall consist of and include all that part of the Island lying between Fox Island, inclusive, and Cape Ray, inclusive, bounded as follows, that is to say: By a line commencing at Fox Island and running North until it intersects the 48° of Latitude, thence West along the said degree of Latitude to a point bearing N. 44° E. from Cape Ray, thence following the last mentioned line to and including Cape Ray, together with the islands adjacent thereto.

ST. GEORGE

(35) The District of St. George shall consist of and include all that part of the Island lying between Cape Ray, exclusive, and River St. George, bounded as follows: Commencing at a point at Cape Ray and running N. 44° E. to River St. George, thence following the centre of the said river to its mouth, and thence by the shore to the place of commencement, together with the islands adjacent thereto.

PORT AU PORT

(36) The District of Port au Port shall consist of and include all that part of the Island lying between St. George's River and Bluff Head, Port au Port, bounded as follows: Commencing at the centre of the mouth of St. George's River, running up the centre of the said river to the Northeast corner of the District of St. George, thence N. 44° E. to Grand Lake, thence following the South and West shore of the said lake to a point bearing East from Bluff Head, thence West to Bluff Head, together with the islands adjacent thereto.

HUMBER

(37) The District of Humber shall consist of and include all that part of the Island lying between Bluff Head in Port au Port Bay and the centre of the mouth of Gregory River, bounded at follows, that is to say: By a line commencing at Bluff Head and running East 75 miles, thence North 12 miles, thence East 17 miles, thence North 25 miles to a point bearing East from the centre of the mouth of Gregory River and thence West to the centre of the mouth of Gregory River, together with the islands adjacent thereto.

LABRADOR

(38) The District of Labrador shall consist of and include all that part of the Labrador Peninsula forming part of the territory of Newfoundland and separated from the Dominion of Canada by a line drawn due North from the Eastern boundary of the bay or harbour of Ance Sablon as far as the fifty-second degree of North Latitude, and from thence Westward along that parallel until it reaches the Romaine River, and then Northward along the left or East bank of that river and its head waters to their source and from thence due North to the crest of the

watershed or height of land there, and from thence Westward and Northward along the crest of the watershed of the rivers flowing into the Atlantic Ocean until it reaches Cape Chidley, together with the islands adjacent thereto.

SECOND SCHEDULE

Second Schedule.

FORM NO. 1

Election Writ

(Section 13)

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas, King. Defender of the Faith, Emperor of India:

TO

GREETING:

WHEREAS by Our Proclamation bearing date the day of in the year of Our reign, We have made known to all Our loving subjects within Our Island of Newfoundland, Our intention to issue Our Writs for an election of representatives to the National Convention to be holden in Our said Island.

We command you that notice of the time and place of election being duly given, you do cause election to be made according to law of representative(s) to the National Convention for the electoral district of and that you do cause the nomination of candidates at such election to be held on the day of next, and in the case more candidates be nominated than the number required to be elected that you do hold a poll on the day of and that you do cause the name(s) of such candidate(s)

when so elected, whether he (they) be present or absent, to be certified to Our chief electoral officer, as by law directed.

Witness Our trusty and well beloved Governor and Commander-in-Chief in and over Our said Island and its dependencies at St. John's in Our Said Island, the day of anno domini one thousand nine hundred and forty-six and in the year of Our reign.

Commissioner for Home Affairs and Education.

Endorsement

Received the within writ on the day of 1946.

Returning Officer

FORM NO. 2

Appointment of Election Clerk
(Section 14)

To .....
(Give full name, residence and occupation)

Know you that in my capacity of returning officer for the electoral district of I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district at the election of representative(s) to the National Convention.

Given under my hand this day of 1946.

Returning Officer.

FORM NO. 3

Oath of Returning Officer
(Section 14)

I, the undersigned, , Returning Officer for the electoral district of , do swear (or solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of and that I will act faithfully in that capacity without partiality, fear, favour or affection. So held me God.

Returning Officer.

Certificate of Returning Officer having taken Oath of Office

I, the undersigned, hereby certify that on the day of , 1946 , took and subscribed before me, the oath (or affirmation) of office in such case required of a Returning Officer by Section 14 of the National Convention Act, 1946.

In testimony whereof I have delivered to him this certificate.

Justice of the Peace.
(or as the case may be)

FORM NO. 4

Oath of Election Clerk
(Section 14)

I, the undersigned, election clerk for the electoral district of do swear (or solemnly affirm) that I will act faithfully in my capacity as election clerk, and also in that of returning officer, if

required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

Election Clerk.

Certificate of the Election Clerk having taken Oath of Office

I, the undersigned, hereby certify that, on the day of , 1946, , election clerk for the electoral district of , took and subscribed before me the oath (or affirmation) of office, required in the case of an election clerk by Section 14 of the National Convention Act, 1946.

In testimony whereof I have delivered to him this certificate under my hand.

Justice of the Peace
or
Returning Officer.

FORM NO. 5

Appointment of a Deputy Returning Officer
(Section 16)

To .....
(give full name, residence and occupation)

Know you that I, in my capacity of returning officer for the electoral district of , hereby appoint you to be deputy returning officer for the polling station No. of the said electoral district, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said polling

station on the day of , 1946, at the hour of 8 o'clock in the forenoon, at .....
(here set forth

.....

building and place in which the poll is to be held)

and there to keep the said poll open until 8 o'clock in the evening and to take at the said polling station by ballot, in the manner by law provided, the votes of the electors voting at the said polling station, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot boxes, sealed with your seal, and unused and spoiled ballot papers, poll book, and other documents required by law, together with this appointment.

Given under my hand at this day of , 1946.

Returning Officer.

FORM NO. 6

Oath of Deputy Returning Officer

(Section 16)

I the undersigned deputy returning officer for the polling station No. at , in the electoral district of , swear (or solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection. So help me God.

Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken the Oath of Office

I, the undersigned, hereby certify that on the day of , 1946, , deputy returning officer for the polling station No. at in the electoral district of , took and subscribed the oath (or affirmation) of office required in such case of a deputy returning officer by Section 16 of the National Convention Act, 1946.

In testimony whereof I have delivered to him this certificate under my hand.

Justice of the Peace
or
Returning Officer

FORM NO. 7

Appointment of a Poll Clerk

(Section 17)

To .....
(give full name, residence and occupation)

Know you that in my capacity of deputy returning officer for the polling station No. at , in the electoral district of , I do hereby appoint you to be poll clerk for the said polling station.

Given under my hand at this day of , 1946.

Deputy Returning Officer.

FORM NO. 8

Oath of Poll Clerk

(Section 17)

I, the undersigned, , poll clerk for the polling station No. at , in the electoral district of , swear (or solemnly affirm) that I will act faithfully in my capacity of poll clerk and also in that of deputy returning officer, if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the persons at the said polling station marks his ballot paper in my presence at this election. So help me God.

Poll Clerk.

Certificate of the Poll Clerk having taken the Oath of Office

I, the undersigned, hereby certify that on the day of , 1946, , poll clerk for the polling station No. at , in the electoral district of , took and subscribed before me the oath (or affirmation) of office required of a poll clerk in such cases by Section 17 of the National Convention Act, 1946.

In testimony whereof I have delivered to him this certificate under my hand.

Justice of the Peace
or
Returning Officer.

FORM NO. 9

Nomination Paper

(Section 26)

We, the undersigned, electors of the electoral district of , hereby nominate .....
(here give name in
..... of .....
full, residence and description of person nominated)
as a candidate at the election, now about to be held of representative(s) for the said electoral district to the National Convention.

Witness our hands at in the said electoral district, this day of , 1946.
Signed by the said electors,
in the presence of witness

(Signature of elector, residence and occupation)

FORM NO. 10

Oath of Attestation of the Nomination Paper

(Section 27)

I, ... of .....
(Give full name, residence and occupation)
swear (or solemnly affirm) that I know the following persons who have signed the within nomination paper, namely

.....

.....

and that they are duly qualified as electors of the electoral district of to vote at an election

of representative(s) to the National Convention and that they respectively signed the within nomination paper in my presence.

Signature of Witness.

This oath (or affirmation)
was sworn (or affirmed)
before me at ,
this day of , 1946.

Returning Officer.

FORM NO. 11

Declaration of Residence
(Section 29)

I, ... of ....., ...
(name and address of candidate)
do swear that I have ordinarily and bona fide resided in Newfoundland, for the period of two years immediately preceding the day of nomination for this election, and am now qualified to vote in the electoral district of (or that within the said period I have so resided for the continuous period of one year in the electoral district of).

Sworn (or affirmed) before me
at this
day of
1946.

Stipendiary Magistrate
or
Justice of the peace
or
Returning Officer

FORM NO. 12

Declaration of Residence of Service Man
(Section 29)

I, ... of .....
(name and address of candidate)
do swear that I served in the from
to ; that immediately prior to the beginning of such service in the I ordinarily and bona fide resided at , in the electoral district of , and since the termination of such service I have continued as an ordinary and bona fide resident of the said electoral district.

Sworn (or affirmed) before me
at this
day of , 1946.

Stipendiary Magistrate
or
Justice of the peace
or
Returning Officer

FORM NO. 13

Return when there are no more Candidates than Representatives to be Elected
(Section 32)

I hereby certify that the representative(s) elected for the electoral district of in pursuance of the within writ is (or are)

..... of .....

and ..... of .....

and ..... of .....
(as in the nomination paper), no other candidate having been nominated (or the other, or all other candidates, having withdrawn, as the case may be).

Dated at this day of , 1946.

Returning Officer.

FORM NO. 14

Notice of Poll and Candidates
(Section 34)

Electoral district of

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has become necessary at the election now pending for the same, and that I have granted such poll, and that the persons duly nominated as candidates at the said election, and for whom only votes will be received are—

(Here insert the names and descriptions of the candidates alphabetically arranged, in the same manner as they appear in the ballot papers):

.....

.....

.....

.....

.....

.....

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at the day of , 1946.

Returning Officer.

FORM NO. 15

Directions for the Guidance of Electors in Voting
(Sections 35 and 52)

1. Each elector on entering the room where the poll is to be held shall declare his name, surname and occupation. After so doing he shall receive a ballot paper.

2. Each elector may vote only at one polling station and for only one candidate, unless two or more representatives are to be returned for the electoral district, in which case he may vote for one or more candidates as he thinks fit.

3. Each elector if required by the deputy returning officer, the poll clerk, one of the candidates or one of their agents, shall before receiving his ballot paper, take the oath of qualification.

4. After receiving his ballot paper the elector shall go into one of the compartments and with a black lead pencil there provided, place a cross in the division containing the name or names of the candidate or candates for whom he intends to vote, thus X.

5. The elector shall then fold the ballot paper so as to show a portion of the back only with the initials of the deputy returning officer and shall hand it so folded to the deputy returning officer and the deputy returning

officer shall, without unfolding it, ascertain that it is the ballot paper which he furnished to the elector, and then immediately place it in the ballot box. The elector shall forthwith leave the polling station.

6. If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

7. If an elector votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

8. An elector shall not take a ballot paper out of the polling station or fraudulently put into the ballot box any paper other than the paper given him by the deputy returning officer.

FORM NO. 16

Certificate
(Section 35)

List of the number of ballot papers and election material supplied to deputy returning officer .....
(name of

.....
deputy returning officer)

for polling station No. at , in the electoral district of

1. No. of ballot papers
2. Ballot papers numbered from
   inclusive to
   inclusive.
3. No. of ballot boxes.

4. No. of blank poll books.
5. No. of copies of printed directions for voters.
6. No. of copies of list of electors.
7. No of copies of the National Convention Act, 1946.
8. Miscellaneous stationery and forms.

.....

.....

.....

Returning Officer.

FORM NO. 17

Apointment of a Poll Clerk by a Poll Clerk acting as Deputy Returning Officer

(Section 39)

To .....of .....

(Give full name, residence and occupation)

Know you, that in my capacity of acting deputy returning officer for the polling station No. at , in the electoral district of , in consequence of

.....

(the decease incapacity to act or as the case may be), of the deputy returning officer for the said polling station whose poll clerk I was, I have appointed and do hereby appoint you to be poll clerk for the said polling station No. , in the said electoral district.

Poll Clerk acting as Deputy Returning Officer.

Oath of Poll Clerk appointed by Poll Clerk acting as Deputy Returning Officer

The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer. (See Form No. 8).

FORM NO. 18

Oath of Agent of a Candidate or Elector representing Candidate

(Section 49)

I, the undersigned, , agent for (or elector representing) , one of the candidates at the election now pending for the electoral district of , do swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station No. in the polling division No. marks his ballot paper in my presence at this election. So help me God.

Sworn (or affirmed) before me

at this day of

, 19 .

Deputy Returning Officer,
or
Justice of the Peace.

FORM NO. 19

Poll book to be kept by Poll Clerk

(Section 53)

Consecutive Number.	Name	Occupation	Residence.	Voted or refused to vote	Sworn or affirmed or refused to swear or affirm to qualification.	Blind or refused to swear or affirm to blindness	Unable to read or refused to swear or affirm to inability	Second ballot	Second voter	Objections	Remarks.

FORM NO. 20

Oath that Elector is the Person Intended to be Referred to in the List of Electors

(Section 55)

You swear that you are qualified to vote at this election of representative(s) to serve at the National Convention, and that you verily believe that you are the person intended to be referred to by the entry in the list of electors for this electoral district of the name of (name as in list of electors) whose occupation is given as (occupation as in list of electors) and whose address is given as (address in list of electors). So help you God.

FORM NO. 21

Oath of Qualification

(Section 56)

You swear that you are a British subject of the full age of twenty-one years, and that you have ordinarily and bona fide resided in Newfoundland for the period of two years immediately preceding this date; that you are now ordinarily and bona fide residing at , in the electoral district of , (or for the past two months you have, in the course of your employment, trade, business, or profession, continuously resided in this electoral district) that you are not disqualified from voting under the provisions of the National Convention Act, 1946, and that you have not already voted at this election. So help you God.

FORM NO. 22

Oath of Qualification to be administered to Service Man

(Section 56)

You swear that you are a British subject of the full age of twenty-one years; that you served in the from to ; that immediately prior to such service in the you ordinarily and bona fide resided at , in the electoral district of ; that you now ordinarily and bona fide reside at , in the electoral district of ; that you are not disqualified from voting under the provisions of the National Convention Act, 1946, and that you have not already voted at this election. So help you God.

FORM NO. 23

Oath of Identity of Elector after Another has Voted in his Name

(Sections 57 and 60)

I solemnly swear (or affirm) that I am of , whose name is entered on the list of electors and that I am qualified by law to vote at this election in the electoral district of .

Sworn (or affirmed) before me at , this , day of 1946.

Deputy Returning Officer.

FORM NO. 24

Oath of Incapacitated Voter

(Section 61)

You swear that you are incapable of voting without assistance by reason of your being unable to read or of physical incapacity. So help you God.

FORM NO. 25

Oath of Elector not on List of Electors

(Section 62)

You swear that you are a British subject of the full age of twenty-one years; that you have ordinarily and bona fide resided in Newfoundland for the period of two years immediately preceding this date (including the period of served in the); that you now ordinarily and bona fide reside at in this electoral district (or that for the past two months you have in the course of your employment, trade, business, or profession continuously resided in this electoral district) and that you have not already voted at this election. So help you God.

FORM NO. 26

Statement of the Poll After Counting the Ballots

(Section 67)

Polling station No.

Electoral district of

Number of ballot papers received from the returning officer		
Number of ballot papers cast for		
" " " " cast for		
" " " " cast for		
" " " " cast for		
" " " " cast for		
" " " " cast for		
" " " " cast for		
" " " " cast for		
" " " " spoiled		
" " " " rejected		
" " " " not used and returned		
Total		

I hereby certify that the above statement is correct.

Dated at , this day of , 1946.

Deputy Returning Officer.

FORM NO. 27

Certificate to be Delivered to Candidates

(Section 67)

I, the undersigned deputy returning officer for polling station No. , in the electoral district of , do hereby certify that, at the election held this day, for representative(s) to serve at the National Convention, the hereinafter mentioned candidate(s) received the number of votes set opposite their respective name(s) viz:

Name of Candidate	Number of Votes
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

And also that ballot papers were rejected.

Dated at this
, day of , 1946.

Deputy Returning Officer.

FORM NO. 28

Oath of Deputy Returning Officer after the Closing of the Poll

(Section 67)

I, the undersigned deputy returning officer for the polling station No. , of the electoral district of , do swear (or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling station, under my direction, has been so kept correctly; that the total number of votes polled as entered in the said poll book is , and that it contains a true and exact record of the votes given at the said polling station, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement of the poll, poll book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box, and that the said ballot box has been carefully sealed with my seal, and will be transmitted to the returning officer according to law.

Signature of Deputy Returning Officer.

Sworn before me at , in the electoral district of , this day of , 19 .

Signature of the Poll Clerk

FORM NO. 29

Oath of the Poll Clerk after the Closing of the Poll

(Section 67)

I, the undersigned poll clerk for the polling station No. , of the electoral district of , do swear (or do solemnly affirm) that the poll book in and for the said polling station kept under the direction of ..... (insert .....
name of deputy returning officer)
who has acted as deputy returning officer therein, has been so kept by me under his direction as aforesaid correctly and to the best of my skill and judgment; that the total number of votes polled as entered in the said poll book is and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the said polling station as the said votes were taken at the said poll by the said deputy returning officer.

Signature of Poll Clerk.

Sworn (or affirmed) and subscribed before me, at , this day of , 1946.

Signature of the Deputy Returning Officer.

FORM NO. 30

Appointment of Messenger to Collect Ballot Boxes
(Section 67)

To the Deputy Returning Officer at station No. , at ,
in the electoral district of

The bearer has been appointed by me, under the provisions of Section 67 of the National Convention Act, 1946, to collect the ballot boxes and packets of papers, which you are required by the said section to deliver after the close of the poll to a messenger appointed by me.

Returning Officer.

FORM NO. 31

Oath of Messenger Sent to Collect the Ballot Boxes or to Deliver Them to the Returning Officer

(Section 67)

I, of , messenger appointed by , returning officer for the electoral district of , do solemnly swear (or affirm) that I will, with all diligence, convey the several ballot boxes and parcels delivered into my possession by the several deputy returning officers to the said returning officer, and that I will not open or tamper with any of the said ballot boxes and parcels.

Messenger.

Sworn (or affirmed) before me at , this day of , 1946.

Justice of the Peace
or
Returning Officer
or
Deputy Returning Officer

FORM NO. 32

Oath of Messenger on Delivery of Ballot Boxes

(Section 67)

I, , of , messenger appointed by , returning officer for the electoral district of , do solemnly swear (or affirm) that the several ballot boxes and parcels delivered to me by the deputy returning officer (or returning officer as the case may be) have not been opened or tampered with by me or by any other person with my knowledge or consent, and that to the best of my knowledge, they are in the same state as they were in when then came into my possession.

Messenger.

Sworn (or affirmed) before me at , this day of , 1946.

Justice of the Peace
or
Returning Officer
or
Deputy Returning Officer

FORM NO. 33

Declaration of Election

(Section 68)

I, , returning officer for the electoral district of , hereby declare that at the election held in the said district on the day of , 1946 the following candidate(s) .....

.....

(insert name, address and occupation)

.....

(insert name, address and occupation)

.....

(insert name, address and occupation)

has (have) been elected as representative(s) to the National Convention for the electoral district of .

Dated at , this day of , 1946.

Returning Officer.

AN ACT TO REPEAL THE REVENUE (WAR TAX) ACT, 1940.

[31st May, 1946]

SECTION
1.—Repeal of Act No. 38 of 1940.

SECTION
2.—Time of coming into effect.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Repeal of Act No. 38 of 1940.

1. The Revenue (War Tax) Act, 1940 (No. 38 of 1940) is hereby repealed.

Time of coming into effect.

2. This Act shall be deemed to have come into effect at midnight on the 18th day of April, A.D. 1946.

AN ACT TO AMEND CHAPTER 127 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF COMPANIES".

[4th June, 1946]

SECTION 1.—Addition Secs. 28A and 28B.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Addition Secs. 28A and 28B.

1. Chapter 127 of the Consolidated Statutes (Third Series) entitled "Of Companies" is hereby amended by adding after Section 28 as Sections 28A and 28B the following:

Branch register of members.

28A.—(1) A company having a share capital may if so authorized by its articles of association cause to be kept in any place outside of Newfoundland a branch register of members (hereinafter in this section called a branch register).

(2) The company shall give to the registrar notice of the situation of the office where any branch register is kept, and of any change in its situation, and of the discontinuance of the office in the event of its being discontinued.

(3) A branch register shall be deemed to be part of the company's register of members (hereinafter in this section called the principal register).

(4) A branch register shall be kept in the same manner in which the principal register is by this Chapter required to be kept.

(5) The company shall transmit to its registered office a copy of every entry in its branch register as soon as may be after the entry is made, and shall cause to be kept at its registered office, duly entered up from time to time, a duplicate of its branch register, and the duplicate shall for all the purposes of this Chapter be deemed part of the principal register.

(6) Subject to the provisions of this section with respect to the duplicate of the branch register, the shares registered in a branch register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a branch register shall during the continuance of that registration be registered in any other register.

(7) On the death of a member registered in a branch register, the shares of the deceased member shall be transferable on the duplicate of the branch register at the registered office of the company and not elsewhere.

(8) The Company may discontinue to keep any branch register, and thereupon all entries in that register shall be transferred to some other branch register kept by the company in the same country, or to the principal register.

(9) Subject to the provisions of this Chapter, any company may by its articles make such provisions as it may think fit respecting the keeping of branch registers.

Duplicate Seal

28B.—(1) Any company having a branch register in any place outside of Newfoundland may, if authorized by its articles of association, have for use in any such place an official seal which will be a facsimile of the common seal of the company.

(2) A company having such an official seal may authorize any person or persons appointed for the purpose to affix the same to any deed, document or share certificate

to be executed by such person or persons for and on behalf of the company.

(3) The person or persons affixing such seal shall by writing under his or their hand on the deed, document or share certificate to which the seal is affixed certify the date and the place of the affixing of same.

(4) A deed, document or share certificate to which such an official seal is duly affixed shall be binding on the company.

AN ACT FURTHER TO AMEND THE EDUCATION ACT 1927

SECTION
1.—Amdt. Sec. II.
2.—Amdt. Sec. 10.
3.—Amdt. Sec. 11.
4.—Repeal and substitution Sec. 34.
5.—Repeal and substitution Sec. 58.
6.—Repeal and substitution Sec. 59.
7.—Repeal and substitution Sec. 60.
8.—Amdt. Sec. 62
9.—Amdt. Sec. 75.
10.—Repeal and substitution Sec. 76.
11.—Repeal Schedules B, C, D, E, I, J and L.
12.—Amdt. Schedule K.
13.—Regulations in Schedule to have effect.
14.—Amdt. Sec. 2 Act No. 32 of 1944.
15.—Amdt. Sec. 5 of Act No. 32 of 1944.
16.—Saving of Schedule H for certain purposes.

Schedule

[14th June, 1946]

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. II.

1.—(1) Section II of The Education Act 1927 (the interpretation section) is hereby amended as follows:

(a) By re-numbering the said Section as II.—(1).

(b) By adding after the last word in paragraph (c) the following: "and shall include a common school".

(c) By repealing paragraphs (h), (i), (j) and (k) and substituting therefor the following:

(h) "school year" and "year" shall mean one hundred and ninety school days within the period beginning on the first day of July in a calendar year and ending on the thirtieth day of June in the calendar year next following.

(i) "school day" and "day" shall mean a week day other than Sunday and Saturday on which school is kept, but shall not include any of the days in the school year beginning on the fourth Monday in the month of June.

(j) "school quarter" and "quarter" shall, as the context may require, mean one of the first three periods of fifty school days each, or the final period of forty school days, of a school year.

(k) "school session" and "session" shall mean a period in a school day during which school is kept without interval.

(d) By adding thereto as subsection (2) the following:

(2) (a) A school day shall be divided into two school sessions separated by an interval of at least one half-hour, and totalling at least three hours for pupils in Grades below Grade III and five hours for other pupils.

(b) A teacher in a Public School or College shall be deemed to have kept school for a school day of two sessions, if,

(i) because of inclement weather, the teacher having charge of the school or college closes the same for the day or any part thereof·

(ii) the school or college has been closed by order of a competent Health Authority by reas-

on of disease being or threatening to become epidemic; or

(iii) the school is closed for observance of Armistice Day, Empire Day and one other holiday.

(c) If a teacher shall, at any time during the school year, establish to the satisfaction of the Council of Education that, because of delay in travel, he has been unable to reach his school in time to keep school for three hundred and eighty sessions during the school year, the Council, upon request of the Board of Education employing such teacher, may authorize that school be kept for one session on each of a number of Saturdays not exceeding ten in all, and the number of sessions held under such authority may be included in the total number of sessions during which the teacher has kept school within the school year.

Amdt. Sec. 10

2. Section 10 of the said Act, as heretofore amended, is hereby further amended by striking out the last sentence of paragraph (a) thereof and substituting therefor the following:

"In districts where Superior or High Schools are or may be established the Board may consist of nine persons: Provided that, if Superior or High Schools having eight or more classrooms are established in such districts, the Board may, if the Executive Officer representing the religious denomination concerned so recommends, consist of more than nine persons; and provided further that in the district of St. John's the Board may consist of nine or more persons".

Amdt. Sec. 11

3. Section 11 of the said Act (which deals with the duties, functions and powers of a Board of Education) is hereby amended as follows:

(a) By striking out from paragraph (e) the words "according to the form in Schedule C of this Act" and substituting therefor the words "in such form as may from time to time be prescribed by the Council of Education".

(b) By striking out from paragraph (r) all the words following the word "source".

(c) By striking out from paragraph (y) the words "Provided, however, that the minimum scale shall be in accordance with Schedule B of this Act."

Repeal and substitution Sec. 34.

4. Section 34 of the said Act is hereby repealed and the following substituted therefor:

The Governor in Commission may appoint a Board to be known as the Council of Higher Education (hereinafter in this Act called the Council) consisting of the Secretary for Education, the four Executive Officers, the three Assistant Executive Officers, the President of the Memorial University College, the Professor of Education of the Teacher Training Department of the said College, and the Headmasters of the Church of England College, the United Church College, the Roman Catholic College for males and the Salvation Army College, the President of the Newfoundland Teachers' Association and eighteen other persons, including three teachers of Public Schools, two of whom shall be members of the said Association, who may be appointed or re-appointed for a term of three years. The President and Professors of the Memorial University College shall be a consultative body to report on such matters as may from time to time be referred to them by the Council.

5. Section 58 of the said Act is hereby repealed and the following substituted therefor: Repeal and substitution Sec. 58.

58. The contract of employment of all teachers in Public Schools, save those employed temporarily during illness, incapacity or absence of regular teachers, shall be in the form prescribed by the Council of Education and shall be terminable by either party thereto upon the expiration of a school year by giving to the other party at least one month's prior notice in writing or at any time during a school year by giving to the other party at least three months' prior notice in writing: Provided that a Board may at any time without notice dismiss a teacher for drunkenness or immoral conduct or upon conviction of such teacher by any court for a criminal offence.

6. Section 59 of the said Act is hereby repealed and the following substituted therefor: Repeal and substitution Sec. 59.

59. When within a school year a teacher in a Public School has kept school for less than three hundred and eighty sessions, the amount payable to such teacher in respect of salary shall for such year be such amount only as bears to the annual salary, to which such teacher would be entitled upon having kept school for a full school year, the same proportion as the number of sessions during which such teacher has kept school within the period of the school year bears to three hundred and eighty.

7. Section 60 of the said Act is hereby repealed and the following substituted therefor: Repeal and substitution Sec. 60.

60. When within a school year a teacher in a College or a Public School, who is entitled to receive a payment in augmentation of salary under the provisions of Section 76 of this Act, has kept school for less than three hundred and eighty school sessions, the amount payable to such teacher in respect of such payment in augmentation shall for such

school year be such amount only as bears to the full payment in augmentation, to which such teacher would be entitled upon having kept school for a full school year, the same proportion as the number of sessions during which such teacher has kept school in the school year bears to three hundred and eighty.

Amdt. Sec. 62.

8. Section 62 of the said Act is hereby amended by striking out from paragraph (s) thereof the words "according to the form in Schedule L of this Act prescribed" and substituting therefor the words "in such form as may from time to time be prescribed by the Council of Education."

Amdt. Sec. 75.

9. Section 75 of the said Act is hereby amended by striking out from paragraph (o) thereof the word "months" and substituting the words "school days".

Repeal and substitution Sec. 76.

10. Section 76 of the said Act, as amended by the Act No. 29 of 1941, is hereby repealed and the following substituted therefor:

76.—(1) Moneys provided by the Commission of Government for salaries of teachers, for High Schools, and for maintenance, repairs, equipment, and supplies for schools shall, upon the recommendation of the proper Executive Officer, and in accordance with the provisions of regulations made under this Act, be paid to Boards of Education in the amounts provided by the said regulations for application in accordance with the provisions thereof.

(2) Moneys provided by the Commission of Government for augmentation of salaries of teachers shall be paid in accordance with the provisions of this Act and regulations made thereunder and Schedule K thereto, to teachers holding certificates of grade.

(3) Moneys provided by the Commission of Government for Colleges, for assistance to pupil teachers, for Board

contingencies, for industrial education, and for the erection and equipment of schools shall be apportioned among the several religious denominations according to their respective populations and may be expended for such purposes upon the recommendation of the proper Executive Officer and in accordance with the provisions of this Act and of regulations made thereunder.

(4) (a) The Governor in Commission may, upon recommendation of the Council of Education, make regulations fixing salaries for teachers and may by such regulations establish a scale of salaries and set different salaries in relation to different classes of teachers and schools and may prescribe the factors governing determination of the different classes of teachers and schools, and the number of teachers for whom salaries may be paid to Boards.

(b) The Governor in Commission may, upon recommendation of the Council of Education, make regulations prescribing the basis for determination of the number of teachers in any Public School or College entitled to payment in augmentation of salary and the method of deciding the teacher or teachers to whom any such payment shall be made, in cases in which more teachers are employed in a Public School or College than are entitled to such payment.

(c) The Governor in Commission may, upon recommendation of the Council of Education, make regulations providing for the allocation of money voted for maintenance of and repairs to schools and for equipment and supplies therefor.

11. Schedules B, C, D, E, I, J and L to the said Act are hereby repealed. Repeal Schedules B, C D, E, I, J and L.

Amdt. Schedule K.

12. Part A of Schedule K to the said Act is hereby amended as follows:

(a) by inserting therein immediately after the words "To teachers engaged" in paragraph (a) the words "in Colleges and".

(b) by deleting paragraph (b) thereof.

Regulations in Schedule to have effect.

13. Until repealed in whole or in part or amended as the same may be from time to time by regulations made under the provisions of Section 76 of the said Act, as enacted by Section 10 of this Act, the regulations set forth in the Schedule to this Act shall have effect and shall apply and may be referred to as regulations under the said Act.

Amdt. Sec. 2 of Act No. 32 of 1944.

14. Section 2 of the Education (Teacher Training) Act, 1944, is hereby amended by repealing paragraph (b) thereof and substituting therefor the following:

(b) In accordance with rules and regulations of the Council of Education made under this Act to grant certificates of grade to teachers or candidates who have complied with the requirements prescribed by such rules and regulations and such further general requirements as the Board of Examiners may with the approval of the Commissioner prescribe: Provided that the Board of Examiners may in any case exempt any teacher or candidate from compliance with all or any such further general requirements.

Amdt. Sec. 5 of Act No. 32 of 1944.

15. Section 5 of the Education (Teacher Training) Act, 1944, is hereby amended by adding thereto the following:

"Provided that the Council of Education may designate additional institutions outside of Newfoundland for training of teachers and decide the grade of certificate which may be granted to a candidate who has taken a teacher

training course at any such institution, and institutions so designated shall for the purpose of indenturing pupil teachers be deemed to be recognized institutions for the training of teachers".

Saving of Schedule H for certain purposes.

16. Pupil Teachers who have been indentured in the form of Schedule H to the Act No. 29 of 1941 entitled "An Act further to Amend the Education Act 1927", since the date of the passing of the Education (Teacher Training) Act, 1944, shall be deemed to have been validly indentured, notwithstanding the repeal of paragraph (b) of Section 54 of The Education Act 1927 and of the said Schedule.

Schedule.

SCHEDULE

REGULATIONS

1. In these regulations the words and expressions Board, High School, Public School, school year, day and session shall have the meanings thereto respectively assigned in Section II of the Education Act 1927 (the interpretation section), as amended, and the word Board shall include the governing body of a common school.

2. Subject to the provisions of Regulation 4, if a pupil transfers from one school to another during a school year, he shall be deemed to be enrolled in the school last attended, and shall not be counted in the total enrollment of any school previously attended during that year.

3. No salary shall be provided for any Public School in which the total enrolment does not exceed five pupils.

4. Where in any Public School the total enrolment exceeds five but does not exceed eleven the salary for a teacher for half a school year may, in the discretion of the Council of Education, be provided, and pupils enrolled in such schools shall not be included in the total enrolment

of any other school which they may attend during that school year.

5. Where in any Public School there is a minimum total enrolment of eleven pupils one salary unit shall be provided, and, subject to the provisions of Regulation 8, an additional salary unit for every forty pupils in excess of the said minimum.

6. Salary units provided for the different teachers in a Public School shall be in accordance with the scale hereinafter set forth.

7. Where only one teacher is employed in any Public School, he shall for the purpose of determining his place in the said scale be deemed to be the principal teacher of that school.

8. From and after the first day of July, 1947, the number of salary units provided for a Public School shall not in any case exceed the number of classrooms in the school.

9. For the purpose of ascertaining the number of salary units which shall be provided for any Public School the total enrolment shall be deemed to be the total enrolment for the school year immediately preceding: Provided that the number of salary units which may be allocated for any school shall not, subject to the provisions of Regulation 8, be reduced in any year unless the total enrolment in each of the two years immediately preceding is below the total enrolment required under these regulations for such number of salary units.

10. In the case of a Public School in respect of which provision for one or more salary units is made under these regulations a corresponding number of teachers qualified under Section 76 of The Education Act 1927, as re-enacted,

to receive payments in augmentation of salary of teachers shall be entitled to receive such payments, and if the number of teachers so qualified employed in any Public School exceeds the number in respect of whom salary units are provided, the Board of Education which has employed such teachers shall decide and certify which teacher or teachers shall receive payment in augmentation of salary and such decision shall be final and binding on all teachers concerned and payment shall be made in accordance therewith to teachers so certified and qualified as aforesaid upon recommendation of the proper Executive Officer and upon receipt by the Commissioner for Home Affairs and Education of notice from the Board of its decision, and if war bonus is payable it shall be paid to teachers so certified.

11. In the case of a College the number of teachers qualified to receive payments in augmentation of salary under Section 76 of The Education Act 1927, as re-enacted, who shall be entitled to receive such payments shall be such number as would be so entitled if the College were a Public School in respect of which provision for salary units is made under these regulations, and if the number of teachers so qualified employed in a College exceeds the number entitled to such payments the Board of Directors of the College shall decide and certify which teachers shall receive payment in augmentation of salary and such decision shall be final and binding on all teachers concerned and payment shall be made in accordance therewith to teachers so certified and qualified as aforesaid upon recommendation of the proper Executive Officer and upon receipt by the Commissioner for Home Affairs and Education of notice from the Board of its decision, and if war bonus is payable it shall be paid to teachers so certified.

12. Salaries of High School teachers shall include the amounts appropriate in their cases set forth under the heading High School Grant in the said scale: Provided

that the principal teacher in a two-room school having eleven or more pupils enrolled in a grade or grades not below Grade IX shall be entitled to the sum of $50.00 annually in excess of the minimum amount provided in the said scale for two-room schools under the said heading.

13. There shall be paid to Boards of Education for maintenance of and repairs to Public Schools and for equipment and supplies therefor the appropriate amount in the said scale for schools having different numbers of rooms.

14. Salary units provided under these regulations shall be paid to Boards for payment in accordance with the said scale to teachers employed by the Boards during the school year for which the provision is made.

15. The said scale shall apply in respect of payment of salaries for teachers and grants to Boards in respect of maintenance, repairs, equipment and supplies.

SCALE

No. of Rooms	Enrolment	SALARY UNITS: Principal	Vice-Principal	Assistant	Assistant	Assistant	Assistant	Assistant	Total Salaries	Maintenance Repairs Equipment Supplies	HIGH SCHOOL GRANT: Principal	Vice-Principal	1st. Assistant	2nd. Assistant	3rd. Assistant	4th. Assistant	Total	Total Grant
One	10 or less	200	Half-year only)	.....	.....	.....	.....	.....	200	50	....	....	....	....	....	....	....	250
	11— 20	400	.....	.....	.....	.....	.....	.....	400	50	....	....	....	....	....	....	....	450
	21— 30	450	.....	.....	.....	.....	.....	.....	450	75	....	....	....	....	....	....	....	525
	31— 40	500	.....	.....	.....	.....	.....	.....	500	100	....	....	....	....	....	....	....	600
	41 and up	550	.....	.....	.....	.....	.....	.....	550	100	....	....	....	....	....	....	....	650
Two	(a) 51— 90	550	.....	.....	.....	.....	.....	500	1050	200	....	....	....	....	....	....	....	1250
	(b) 51— 90	550	.....	.....	.....	.....	.....	500	1050	250	150	....	....	....	....	....	150	1450
	(c) 51— 90	550	.....	.....	.....	.....	.....	500	1050	250	200	....	....	....	....	....	200	1500
Three	91—130	575	.....	.....	.....	.....	525	500	1600	350	250	....	....	....	....	....	250	2200
Four	131—170	600	.....	.....	.....	.....	2 (525)	500	2150	450	300	50	....	....	....	....	350	2950
Five	171—210	625	.....	.....	.....	.....	3 (525)	500	2700	550	350	100	....	....	....	....	450	3700
Six	211—250	650	550	.....	.....	.....	4 (525)	.....	3300	650	400	150	....	....	....	....	550	4500
Seven	251—290	675	575	.....	.....	550	4 (525)	.....	3900	850	450	200	50	....	....	....	700	5450
Eight	291—330	700	600	.....	.....	2 (550)	4 (525)	.....	4500	1000	500	250	100	....	....	....	850	6350
Nine	331—370	725	625	.....	.....	3 (550)	4 (525)	.....	5100	1150	550	300	150	....	....	....	1000	7250
Ten	371—410	750	650	.....	.....	4 (550)	4 (525)	.....	5700	1300	600	350	200	....	....	....	1150	8150
Eleven	411—450	775	675	.....	575	4 (550)	4 (525)	.....	6325	1450	600	400	250	50	....	....	1300	9075
Twelve	451—490	800	700	.....	2 (575)	4 (550)	4 (525)	.....	6950	1600	600	400	300	100	....	....	1400	9950
Thirteen	491—530	825	700	.....	3 (575)	4 (550)	4 (525)	.....	7550	1800	600	400	300	150	....	....	1450	10800
Fourteen	531—570	850	700	.....	4 (575)	4 (550)	4 (525)	.....	8150	1950	600	400	300	200	....	....	1500	11600
Fifteen	571—610	875	700	600	4 (575)	4 (550)	4 (525)	.....	8775	2100	600	400	300	250	50	....	1600	12475
Sixteen	611—650	900	700	2 (600)	4 (575)	4 (550)	4 (525)	.....	9400	2250	600	400	300	300	100	....	1700	13350
Seventeen	651—690	900	700	3 (600)	4 (575)	4 (550)	4 (525)	.....	10000	2400	600	400	300	300	150	....	1750	14150
Eighteen	691—730	900	700	4 (600)	4 (575)	4 (550)	4 (525)	.....	10600	2550	600	400	300	300	200	....	1800	14950
Nineteen	731—770	900	700	5 (600)	4 (575)	4 (550)	4 (525)	.....	11200	2700	600	400	300	300	250	50	1900	15800
Twenty	771—810	900	700	6 (600)	4 (575)	4 (550)	4 (525)	.....	11800	2850	600	400	300	300	300	100	2000	16650
Twenty-one	811—850	900	700	7 (600)	4 (575)	4 (550)	4 (525)	.....	12400	3000	600	400	300	300	300	150	2050	17450
Twenty-two	851—890	900	700	8 (600)	4 (575)	4 (550)	4 (525)	.....	13000	3150	600	400	300	300	300	200	2100	18250
Twenty-three	891—930	900	700	9 (600)	4 (575)	4 (550)	4 (525)	.....	13600	3300	600	400	300	300	300	250	2150	19050
Twenty-four	931—970	900	700	10 (600)	4 (575)	4 (550)	4 (525)	.....	14200	3450	600	400	300	300	300	300	2200	19850
Twenty-five	971—1010	900	700	11 (600)	4 (575)	4 (550)	4 (525)	.....	14800	3600	600	400	300	300	300	300	2200	20600

(a) A two-room school which does not qualify for a High School grant.
(b) A two-room school which qualifies as a High School under the minimum requirements of The Education Act 1927, as amended.
(c) A two-room school with eleven or more purils enrolled in Grade IX and up.
(d) The above salary units are payable to teachers by Boards of Education. Payments in respect of augmentation to Graded teachers and in respect of Cost of Living Bonus to all teachers are made by the Department of Education.

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN DUTIES OF CUSTOMS AND EXCISE.

[20th June 1946]

SECTION

1.—Interpretation.
2.—(1) Customs duties; rates of.
(2) Extension of preferential duties to non - self - governing Colonies, etc.
(3) Duty on goods the product of Jamaica.
(4) Proof of origin.
3.—Intermediate Tariff; extension and withdrawal thereof.
4.—Drawbacks.
5.—Excise duties.
6.—Prohibited goods.
7.—Export taxes.
8.—(1) Gasolene brought from mainland into Peninsula of Avalon.
(2) Penalties for contravention.
9.—Regulations re hydrocarbon oils.
10.—(1) Restrictions on dealing in purple-dyed motor fuel.
(2) Restrictions on importing such fuel.
(3) Restrictions on using such fuel.
11.—Control of certain colouring in hydrocarbon oils.
12.—(1) Control of sale of hydrocarbon oils.
(2) Licence fee.

SECTION

13.—(1) Registration of boats.
(2) Registration of tractors.
(3) Registration of trolleys.
(4) Trolleys and tractors already registered deemed to be registered for purposes of this Act.
14.—(1) Power of Board of Customs to grant, etc., a permit, or to refuse to register boat, etc.
(2) Licence not transferable.
(3) Licence to be displayed.
15.—Licence-holder not to sell purple-dyed motor-fuel save to permit-holders.
16.—Evaporation allowance, gasolene and oils.
17.—Penalties.
18.—(1) Manufacturers of light beer to be licensed.
(2) Licence, period of validity of.
19.—Refusal or revocation of licence.
20.—Sections 52 and 54 to apply to manufacture of light beer.
21.—Certain manufacturers to pay duty by account.

SECTION

22.—(1) Certain manufacturers to pay duty by stamps.
(2) Stamps to be sold by the Board.
23.—Bottles to bear approved label.
24.—Power of Board to vary method of payment.
25.—Prohibition of sale unless bottles duly stamped or labelled.
26.—Manufacturer not to deliver unlabelled bottles.
27.—Bottles to contain one reputed pint.
28.—(1) Penalties.
(2) Certificate of analyst to be prima facie evidence of facts stated therein.
29.—Duty on goods re-imported after exportation.
30.—Special duty in the case of depreciated currencies.
31.—Declaration for claiming exemptions.
32.—(1) Trusts or combinations; enquiries.
(2) Powers of Judge upon enquiry.
(3) Modification of tariffs.
33.—Marking of alcoholic preparations.
34.—Coverings and containers.
35.—Reciprocal reductions in duty on fish.
36.—Special duties on goods from certain countries.
37.—Export duty on herring in certain cases.

SECTION

38.—(1) Coal duties: Proportion to St. John's Municipal Council.
(2) Proportion to certain towns.
39.—Seed potatoes, duty on.
40.—Hay, duty on.
41.—Lumber, survey of for duty.
42.—Assessment and calculation of duty on lumber.
43.—Articles for use in new industries; duty on.
44.—Reciprocal reduction in duty on certain articles.
45.—Rebate on export of locally manufactured goods.
46.—Specified goods; marking of on importation.
47.—Unmarked goods; prohibition and forfeiture.
48.—(1) Licensing of factories for goods subject to Excise duty.
(2) Regulations.
(3) Licence fees.
49.—Factories to be bonded warehouses; regulations, marking of goods, etc.
50.—Unmarked goods, subject to Excise; prohibition and forfeiture.
51.—Excise duty; when payable.
52.—Establishments for manufacture of spirits or malt liquors; control, regulations; marking of products of.
53.—(1) Establishments for manufacture of spirits or malt liquors, rendering of accounts.
(2) Allowance for waste
54.—Penalties.
55.—Saving of statutory rights.

SECTION

56 (1) Educational films; exemption of from Customs duty.
(2) Films produced in foreign country; certificate.
(3) Film produced in British Empire; certificate.
(4) Film produced in Newfoundland; certificate.
(5) No payment of duty if certain certificates obtained.
(6) Interpretation.
57.—Period of operation of Item 653.
58.—Extension of Section 195, Customs and Excise Act, 1938.
59.—Drawbacks.
60.—Repeal.
61.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Interpretation

1. In this Act, and in any other Act relating to the Customs and Excise and in any regulations made under such Acts unless the context otherwise requires—

(a) "ad val." means ad valorem.

(b) "beer" shall include ale, porter, Bavarian beer, hop beer, botanic beer and all other small or dextrinous liquors containing three per centum of alcohol by volume, or more.

(c) "Board" means the Board of Customs appointed under The Customs and Excise Act, 1938.

(d) "brl." or "barrel" in relation to beef, pork and jowls salted in barrels, means 200 lbs.

(e) "bundle" when applied to Tariff Item 195(b) in Schedule A to this Act means the number of shingles normally used to cover an area of twenty-five square feet.

(f) "bushel" in relation to oats means 34 lbs.; to potatoes, sweet potatoes or yams 60 lbs.; to turnips,

beets or carrots 50 lbs.; to parsnips 40 lbs.; and to lime 100 lbs., respectively.

(g) "cwt." means one hundred and twelve lbs.

(h) "gal." or "gallon" means an Imperial gallon.

(i) "goods" means goods, wares, materials, merchandise, and movable effects of any kind, and includes vessels, vehicles, aircraft and animals.

(j) "importer" means, includes and applies to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.

(k) "lb." or "lbs." means pound or pounds avoirdupois.

(l) "light beer" shall include all other similar beverages (except spruce beer) sold under the description of beer or possessing the characteristics of beer and containing alcohol less than three per centum by volume.

(m) "M" means one thousand.

(n) "N.E.S." represents and has the meaning of the words "not elsewhere specified".

(o) "Newfoundland" means the Island of Newfoundland and the islands adjacent thereto and Labrador and the islands adjacent thereto.

(p) "N.O.P." represents and has the meaning of the words "not otherwise provided".

(q) "officer of Customs" means any person appointed under the authority of Section 4 of The Customs and Excise Act, 1938, and shall include any person acting in aid of such person.

(r) "oz." means ounce avoirdupois.

(s) "p.c." and the symbol "%" mean per centum.

(t) "Peninsula of Avalon" means all that portion of Newfoundland lying south and east of a line drawn from a point at mean high water of spring tides at the river's mouth at the most northerly point of Come-by-Chance in Placentia Bay to a point at mean high water of spring tides at the river's mouth at the most northerly point of Bull Arm in Trinity Bay; and shall include all the land lying between Conception and Trinity Bays as well as Bell Island in Conception Bay and all other islands within three miles of the coast line of the said Peninsula.

(u) "plate", when applied to metals, means a plate or sheet more than three-sixteenths of an inch in thickness.

(v) "premises" means any place, building, warehouse, store or conveyance to which the public has access, and any place of public resort, including any ship or store in which any goods are exposed or stored for sale, as well as any rooms connecting therewith and may include a vessel or boat.

(w) "proof" or "proof spirits", when applied to spirits of any kind, means spirits of a strength equal to that of pure ethyl alcohol compounded with distilled water in such proportions that the resultant mixture shall at a temperature of sixty degrees

Fahrenheit have a specific gravity of 0.9198 as compared with that of distilled water at the same temperature.

(x) "qtl." means one quintal of one hundred and twelve lbs.

(y) "reputed quarts" and "reputed pints" applied to beer, ale, porter, wines and spirits imported in bottles or other containers mean one-sixth and one-twelfth of one gallon respectively.

(z) "sheet", when applied to metals, means a sheet or plate not exceeding three-sixteenths of an inch in thickness.

(aa) "sell" and its grammatical variations mean: to solicit or receive an order for; to keep or expose for sale; to deliver; whether for value or gratuitously; to peddle, to keep with intent to sell; to traffic in; or for any onerous consideration, promised or obtained, directly or indirectly, or on any pretext or by any means whatsoever to procure or allow to be procured for any other person.

(bb) "ton" means two thousand two hundred and forty lbs.

(cc) "warehouse" means a secure place approved by the Board in which goods imported may be lodged, kept or secured without payment of duty.

Customs duties; rates of.

2.—(1) Subject to the provisions of this Act, and to the provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods imported into Newfoundland upon the importation of such goods or the taking of the same out

of warehouse for consumption in Newfoundland, duties of Customs at the several rates, if any, set opposite to each item respectively or charged on goods as "not enumerated" in the columns of Schedule A to this Act applicable to the goods, subject to the following conditions—

(a) The rates of Customs duties, if any, set forth in the column headed "Full" shall apply to all goods not entitled to admission under the Intermediate Tariff or under the Preferential Tariff.

(b) The rates of Customs duties, if any, set forth in the column headed "Intermediate" shall apply to goods the growth, produce or manufacture of any British or foreign country to which the benefits of such Intermediate Tariff shall have been extended in the manner hereinafter specified and provided that such goods shall, except in the case of goods the growth, produce or manufacture of the United States of America, have been imported directly from such British country or such foreign country.

(c) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to goods other than those specified in paragraphs (d) and (e) of this subsection the growth, produce or manufacture of the United Kingdom of Great Britain and Northern Ireland and directly imported therefrom.

(d) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to—

Coffee, green, roasted or ground;

Cocoanut, desiccated, sweetened or not;

Tea;

Tomatoes;

Angostura Bitters;

Asphalt, Asphaltum and like preparations;

the growth, produce or manufacture of any of the non-self-governing Colonies and Protectorates or of the Mandated Territories of Tanganyika, the Cameroons under British mandate, or Togoland under British mandate;

and to—

Bladders, casings and sausage skins;

Jams and jellies of fruit, and preserves, N.E.S.;

Marmalade;

the growth, produce or manufacture of the Union of South Africa and the Mandated Territory of South West Africa;

and to—

Butter;

Canned Fruits;

the growth, produce or manufacture of the Commonwealth of Australia.

Extension of preferential duties to non self-governing Colonies, etc.

(2) The Governor in Commission may, if His Majesty's Government in the United Kingdom so requests, by Order in Commission published in the Newfoundland Gazette, extend to any of the said non-self-governing Colonies and Protectorates and Territories under mandate any preferences for the time being accorded to the United Kingdom; and such preferences shall thereupon apply as from the date mentioned in the said Order.

Duty on goods the product of Jamaica.

(3) Upon all goods the product of Jamaica, imported directly from that Colony, there shall, during the continuance of certain tariff privileges granted by the Government of Jamaica on products of Newfoundland imported into Jamaica, be allowed a reduction of twenty-five per centum upon the duties set forth against such goods in the column headed "Full" in the said Schedule A.

Proof of origin.

(4) Proof of origin as prescribed by the Board shall be furnished with the entry for goods admitted to entry under the Intermediate Tariff or the Preferential Tariff, or under subsection (3) of this section. The decision of the Board shall be final as to the rate of duty applicable in any case to imported goods by reason of their origin.

Intermediate Tariff; extension and withdrawal thereof.

3. The Governor in Commission may from time to time by Order in Commission—

(a) extend the benefit of the Intermediate Tariff in whole or in part to any British or foreign country, goods the growth, produce or manufacture of which have previously been subject to the rates of Customs duties set forth in the column headed "Full" of the said Schedule A; and from and after the publication of such Order in the Newfoundland Gazette, the rates of duties set forth in the column headed "Intermediate" of the said Schedule, so far as they are mentioned in such order, shall apply to goods the growth, produce or manufacture of such British or foreign country;

(b) withdraw the benefits of the Intermediate Tariff from any country to which it has been extended, and from and after the publication of such Order in the Newfoundland Gazette the rates of Customs duties set forth in the said column headed "Full" shall apply to goods the growth, produce or manufacture of such country.

Drawbacks.

4. Subject to the provisions of this Act and to the provisions of the Customs and Excise Acts from time to time in force, there may be paid on the goods set forth in Schedule B to this Act under the conditions specified in that Schedule, and subject to such regulations as the Commissioner for Finance or the Board may from time to time make, drawbacks of Customs duties at the rates set forth in the said Schedule B opposite to the several items.

Excise duties.

5. Subject to the provisions of this Act and to the provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods manufactured in Newfoundland, enumerated in Schedule C to this Act, Excise duties at the several rates set forth in the said Schedule C opposite to the several items.

Prohibited goods.

6. The importation into Newfoundland of any goods enumerated, described or referred to in Schedule D to this Act is prohibited, and any such goods imported may be seized and shall thereby become forfeited to the Crown.

Export taxes.

7. Subject to the provisions of this Act and to the provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods exported from Newfoundland, enumerated in Schedule E to this Act, export taxes at the several rates set forth in the said Schedule E opposite to the several items.

Gasolene brought from mainland into Peninsula of Avalon.

8. —(1) No person shall bring into the Peninsula of Avalon any gasolene or motor spirit which has already been imported or brought into any port in Newfoundland, save at a Customs port of entry on the said Peninsula, at which port of entry such person shall report and enter such gasolene or motor spirit at the Custom House and pay thereon by way of duty the difference between duty

at the rate payable for ports on the said Peninsula and duty at the rate payable outside the said Peninsula as prescribed in the said Schedule A.

Penalties for contravention.

(2) If any gasolene or motor spirit shall be brought into the said Peninsula from any other part of Newfoundland in contravention of the provisions of the preceding subsection, the same shall be deemed to be goods smuggled or unlawfully brought into Newfoundland from abroad without payment of duty; and all the provisions of the Customs and Excise Acts for the time being in force shall apply thereto and to the person bringing in the same as if the goods were smuggled or unlawfully brought into Newfoundland from abroad without payment of duty.

Regulations re hydrocarbon oils.

9. For the better administration of this Act, the Board may make regulations, which shall be published in the Newfoundland Gazette, governing the importation, storage or sale of any of the oils or products mentioned in Items 225 to 231, both inclusive, of the said Schedule A and may by such regulations determine what oils shall be deemed to be included in the expression "like hydrocarbon oils" used in this Act.

Restrictions on dealing in purple-dyed motor fuel.

10.—(1) No motor fuel of the kind mentioned in Item 226a of the said Schedule A shall be kept, had in charge, possessed or transported by any person whether for himself or for another and whether for reward or gratuitously except—

(a) in premises licensed by the Board;

(b) in the residence or premises of any person holding a permit to purchase, use or possess the same;

(c) in the personal custody of a person holding a permit to purchase, use or possess the same, or in the

personal custody of the agent either of vendor or of purchaser while in transit between vendor and purchaser.

Restrictions on importing such fuel.

(2) No person not licensed or permitted so to do under the provisions of this Act shall import, sell or buy any of the said motor fuel.

Restrictions on using such fuel.

(3) No person shall use the said motor fuel except in a vessel, boat, tractor or railway trolley which has been registered in accordance with the provisions of this Act for the use of the said motor fuel.

Control of certain colouring in hydrocarbon oils.

11.—(1) No person shall, save with the approval of the Board, import into Newfoundland any gasolene, motor fuel or other hydrocarbon oil coloured with purple dye.

(2) No person shall mix or cause to be mixed any purple dye with any hydrocarbon oil imported into or being in Newfoundland or mix or cause or permit to be mixed any hydrocarbon oil coloured with purple dye with any other hydrocarbon oil.

Control of sale of hydrocarbon oils.

12.—(1) Gasolene or motor fuel or like hydrocarbon oil shall not be sold, or kept with intent to sell, except in or from premises licensed for the purpose by the Board; and one sale shall establish intent to sell.

Licence fee.

(2) A licence fee of two dollars and fifty cents shall be payable annually in advance in respect of such premises at or from which gasolene, motor fuel or like hydrocarbon oil is sold. Such fee shall be payable on the first day of June in every year.

Registration of boats.

13.—(1) The owner or user of any vessel or boat (not being a pleasure vessel or boat) owned in Newfoundland

may register the same without charge with the Board for the purpose of obtaining a permit to purchase, use or possess motor fuel of the kind referred to in Section 10 of this Act, on filling up and forwarding to the Board an application in such form as they may prescribe, and any fishing boat which at the date of passing of this Act has already been registered under the Revenue Act, 1939, as amended, or under Part I of the Merchant Shipping Act, 1894, shall be deemed to be registered for the purposes of this Act.

Registration of tractors.

(2) The owner or user of any tractor to be used solely in agriculture or in logging and not intended to be run upon or over the highroads, may, for the purpose of obtaining a permit to purchase, use or possess motor fuel of the said kind, register such tractor with the Board without charge by filling up and forwarding to the Board an application in such form as they may prescribe.

Registration of trolleys.

(3) The owner or user of any railway trolley utilizing gasolene and intended for running on the fixed rails of a railway system and to be used solely in connection with the maintenance of the railway permanent way, may, for the purpose of obtaining a permit to purchase, use or possess motor fuel of the said kind, register such vehicle with the Board without charge in the manner prescribed in subsection (2) of this section.

Trolleys and tractors already registered deemed to be registered for purposes of this Act.

(4) Tractors and trolleys referred to in subsections (2) and (3) of this section shall be deemed to be registered for the purposes of this Act if at the date of passing of this Act they have already been registered under the Revenue Act, 1939, as amended.

Power of Board of Customs to grant, etc., a permit, or refuse to register boat, etc.

14.—(1) The Board may refuse to grant, or may revoke, any permit, or may refuse to register any premises, vessel, boat, tractor or railway trolley for the purposes of this Act, without assigning any cause for such refusal or revocation.

Licence not transferable.

(2) A licence granted by the Board authorizing the sale of gasolene or motor fuel or like hydrocarbon oil or a certificate of registration as the owner or user of a vessel, boat, tractor or railway trolley, or a permit to purchase motor fuel of the kind referred to in Section 10 of this Act shall not be transferable.

Licence to be displayed.

(3) Every licence authorizing the sale of gasolene or motor fuel or like hydrocarbon oil at or in respect of any premises shall be kept constantly and permanently exhibited therein.

Licence-holder not to sell purple-dyed motor fuel save to permit-holders.

15. The holder of a licence in respect of premises at or from which gasolene, motor fuel or like hydrocarbon oil is permitted to be sold shall not sell motor fuel of the kind referred to in Section 10 of this Act to any person not holding a permit to receive the same.

Evaporation allowance, gasolene and oils.

16. It shall be lawful and be deemed to have been lawful for the Board to grant to any importer a partial remission, not exceeding one per centum, of the duty payable upon importation of any of the goods set out in Items numbered 225, 226, 226a, 227 and 229a of the said Schedule A as an allowance for deficiencies anticipated from evaporation and subject to such conditions as the Board may see fit to prescribe.

Penalties.

17. Every person who commits a breach of any of the provisions of the preceding Sections from 9 to 15, both inclusive, of this Act or of any regulations made under the authority of any of the said sections shall be liable on summary conviction to a penalty not exceeding four

hundred dollars, or treble the value of any goods which may be the subject of such breach, whichever is the greater, and in default of payment to imprisonment for a period not exceeding twelve months, and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence be convicted his licence may be forfeited and the Board may refuse to grant him a new licence for such period as they may determine.

Manufacturers of light beer to be licensed

18.—(1) No person shall manufacture any light beer unless—

(a) he shall first have obtained from the Board in respect of each establishment in which the said manufacture is to be carried on an Excise licence to manufacture light beer; or

(b) he shall be the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, to manufacture beer within the meaning of that Act, in which case the said permit shall be deemed to authorize the manufacture by him of light beer.

Licence, period of validity of.

(2) Every such Excise licence shall be for the period extending from the date of its issue to the 30th day of June then next following and may be issued by the Board on payment of a fee of five dollars.

Refusal or revocation of licence.

19. The Board may refuse to grant or may revoke any licence to manufacture light beer without assigning any cause for such refusal or revocation.

Sections 52 and 54 to apply to manufacture of light beer.

20. Every establishment in which light beer is manufactured and the person conducting the manufacture therein shall be subject to the provisions of Sections 52

and 54 of this Act, and regulations may be made accordingly.

Certain manufacturers to pay duty by account.

21. Every manufacturer being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, shall account for and pay the prescribed duty upon the quantity of light beer delivered, whether by way of sale or otherwise, from his premises, in accordance with the provisions of subsection (1) of Section 53 of this Act.

Certain manufacturers to pay duty by stamps.

22.—(1) Every manufacturer of light beer not being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, shall affix to every bottle of light beer manufactured by him, a stamp to be prescribed by the Board and purchased by the manufacturer therefrom which stamp shall be affixed to the bottle in such a manner that the stopper or cork cannot be withdrawn without destroying or defacing the said stamp.

Stamps to be sold by the Board.

(2) The prescribed stamps shall be sold by the Board at a price equivalent to the duty payable on the bottles of light beer to which the same are to be affixed: Provided that in computing the value of any purchase of stamps a fraction of a cent shall be charged as one cent.

Bottles to bear approved label.

23. Every manufacturer of light beer shall affix to every bottle of light beer a label in form approved by the Board bearing the name of such manufacturer and the place of manufacture and in the case of the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, a statement that duty is payable on such light beer by the manufacturer.

Power of Board to vary method of payment.

24. The Board may, notwithstanding any provision of this Act, at any time or from time to time by writing—

(a) require any manufacturer not being the holder of a permit under Section 34 of The Alcoholic Liquors

Act, 1933, to pay duty upon any light beer manufactured by him in the manner prescribed in Section 21 of this Act;

(b) require any manufacturer being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, to pay duty on any light beer manufactured by him in the manner prescribed by subsection (1) of Section 22 of this Act; and thereafter in either case such manufacturer shall be subject to all the provisions of the appropriate sections.

Prohibition of sale unless bottles duly stamped or labelled.

25. Light beer shall not be sold in a bottle by any person unless there shall be affixed to such bottle either—

(a) the stamp prescribed by the Board affixed in such manner that the cork or stopper cannot be withdrawn without destroying or defacing the said stamp; or

(b) a label of the manufacturer in a form approved by the Board, bearing a statement that duty is payable by such manufacturer.

Manufacturer not to deliver unlabelled bottles.

26. No manufacturer of light beer whether the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, or not shall sell or deliver any light beer unless the bottle shall bear a label identifying the manufacturer and place of manufacture and describing the beer and having upon it such other words or marks as may be prescribed by the Board; and different labels may be approved for different manufacturers.

Bottles to contain one reputed pint.

27. No person shall sell light beer for consumption outside the establishment wherein the same was manufactured otherwise than in bottles having a capacity of one reputed pint.

Penalties.

28.—(1) Every person who commits a breach of any of the provisions of the preceding sections from 18 to 27, both inclusive, of this Act or of any regulations made under the authority of any of the said sections shall be liable on summary conviction to a penalty not exceeding four hundred dollars or treble the value of any goods which may be the subject of such breach, whichever is the greater, and in default of payment to imprisonment for a period not exceeding twelve months, and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence be convicted his licence may be forfeited and the Board may refuse to grant a licence for such period as they may determine.

Certificate of analyst to be prima facie evidence of facts stated therein.

(2) For the purpose of any prosecution under any of the said sections the certificate of an analyst designated by the Commissioner for Finance for the purpose of the said sections shall be prima facie evidence of the facts stated therein.

Duty on goods re-imported after exportation.

29. In any case where—

(a) goods produced in Newfoundland are re-imported after exportation therefrom; or

(b) goods of a class or description chargeable with a duty of Customs under this Act are re-imported into Newfoundland after exportation therefrom and it is shown to the satisfaction of the Board that any duty so chargeable in respect of the goods, was duly paid and either that no drawback of duty was allowed on exportation or that any drawback so allowed has been repaid,

then if it is further shown to the satisfaction of the Board that the goods have been subject to a process abroad but that their form or character has not thereby been changed,

the goods shall be chargeable with duty under this Act as if the amount of the increase in the value of the goods attributable to the process were the whole value thereof.

Special duty in the case of depreciated currencies.

30. Whenever the currency of any non-British country has depreciated in relation to Newfoundland currency, there shall be imposed upon the produce of such foreign country liable to ad valorem duty or a specific duty, or both, an additional duty or special duty equal to the difference or any part of the difference between the value of the goods computed at the current mean rate of exchange at the date of invoice, such rate of exchange being certified by a Bank or British Consul, and the value of the goods computed at the par value of the said currency, or at the rate of exchange as ordered and published from time to time by the Board under subsection (2) of Section 108 of The Custom and Excise Act, 1938, and all such additional or special duties shall be collected in addition to and in the same manner as all other duties now payable.

Declaration for claiming exemptions.

31. When goods are imported for any specific purpose and are admissible at a lower rate of duty than would otherwise be chargeable, or are exempt from duty by reason of their intended use or purpose, the importer claiming such lower rate of duty, or exemption from duty, shall make and subscribe a declaration in the form prescribed by the Board to be used in such case.

Trusts or combinations; enquiries.

32.—(1) Whenever the Governor in Commission has reason to believe that with regard to any goods there exists any trust, combination, association, or agreement of any kind among manufacturers of such goods, or dealers therein, unduly to enhance the price of such goods, or in any way unduly to promote the advantage of the manufacturers or dealers at the expense of the consumers, the Governor in Commission may commission or empower any Judge of the Supreme Court to enquire in a summary

way and report to the Governor in Commission whether such trust, combination, association or agreement exists.

Powers of Judge upon enquiry.

(2) The said Judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Commission for the purpose of such enquiry.

Modification of tariffs.

(3) If the said Judge reports that such trust, combination, association or agreement exists, and if it appears to the Governor in Commission that such disadvantage to the consumer is facilitated by the duties of Customs imposed upon like goods when imported, then the Governor in Commission may place such goods on the free list, or so reduce the duty on them as to give the public the benefit of reasonable competition in such goods.

Marking of alcoholic preparations.

33. Every medicinal preparation whether chemical or other, usually imported with the name of the manufacturer stated thereon, shall have the true name of such manufacturer and the place where the same was prepared and the word "alcoholic" or "non-alcoholic", as the case may be, permanently and legibly affixed to each container by stamp, label or otherwise; and any medicinal preparation imported without such name and word so affixed shall be forfeited.

Coverings and containers.

34. Coverings and containers inside and outside, used in covering or holding goods imported therewith shall be subject to the following provisions—

(a) the term "coverings and containers" in this section shall include packing boxes, crates, casks, cases, cartons, wrappings, sacks, bagging, rope, twine, straw, carboys, jars, bottles, tins, or other articles of the above mentioned kinds, or any other articles, whether of the same class or kind as the foregoing or not, actually used to contain goods.

(b) coverings and containers necessary and usual for and used bona fide for the protection, packing, and transportation of the goods they contain shall be charged to duty at the same rate as the goods which they contain: Provided however that—

(i) coverings and containers necessary and usual for and used bona fide for the protection, packing, and transportation solely of goods admissible free of duty or subject to a specific duty only shall, except as otherwise provided in the said Schedule A, be admitted free;

(ii) coverings and containers other than coverings and containers necessary and usual for and used bona fide for the protection, packing, and transportation of the goods they contain, shall be charged with the rate of duty to which such coverings and containers would be subject if imported separately where such rate of duty is higher than the rate of duty applicable to the goods contained therein;

(iii) where coverings and containers are charged separately in the invoice the Board may, in its absolute discretion, fix by general or special order the value for duty of any coverings or containers; and in such case duty at the rate of forty per centum shall be paid on such value.

Reciprocal reductions in duty on fish.

35. The Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, remit, as he may deem equitable, the whole or any part of the duty imposed on fish imported into Newfoundland from countries making reductions in their tariff with respect to fish, fish products or other articles exported from Newfoundland to such countries.

Special duties on goods from certain countries.

36. In addition to the duties hereinbefore provided to be raised, levied, collected and paid on all goods imported into Newfoundland, there shall be raised, levied, collected and paid on the goods hereinafter in this section mentioned imported into Newfoundland, from countries the fishermen of which have the privilege of taking codfish upon all parts of the coast of Newfoundland and in which countries duties are or hereafter shall be levied upon fish, or the produce of the fisheries, exported from Newfoundland to such countries, the following rates—

Flour, the barrel	$ .75
Pork, the barrel	.75
Butter, the one hundred pounds	.75
Tobacco, the one hundred pounds	5.00
Kerosene oil, the gallon	.05
Corn meal, the barrel	.25
Hay, the ton	5.00
Oats, the bushel	.10
Potatoes, the bushel	.25
Turnips, the bushel	.25
Cabbage, the dozen heads	.40
Unenumerated vegetables	30 per centum ad val.

Provided always that the Governor in Commission may, at any time when it shall be made to appear to him to be in the interests of Newfoundland, by Order in Commission published in the Newfoundland Gazette, suspend the operation of this section for a limited period, the duration of the said period to be stated in the said Order in respect of all or any of the above mentioned goods.

Export duty on herring in certain cases.

37. In the case of any country now imposing or which may hereafter impose an import duty on herring exported from Newfoundland and imported into such country in vessels belonging to Newfoundland, when such herring may be imported into such country in vessels belonging to the same free of duty, the Governor in Commis-

sion may, by Order in Commission published in the Newfoundland Gazette, impose an export duty equal to the amount of duty so imposed by such country aforesaid on herring exported from Newfoundland in vessels belonging to the country where such import duty is imposed.

Coal duties: Proportion to St. John's Municipal Council.

38.—(1) The Governor in Commission may direct the appropriation from time to time to the St. John's Municipal Council out of the duties collected on coal imported into the port of St. John's of the sum of seventy cents per ton in the case of bituminous coal and the sum of one dollar per ton in the case of anthracite coal.

Proportion to certain towns.

(2) The Governor in Commission may direct the appropriation from time to time out of the duties collected on coal consumed in the towns of Grand Bank, Fortune, Harbour Grace, Carbonear, Placentia, and Heart's Content, of such an amount as will, in the opinion of the Governor in Commission, be equal to the whole of the duties collected upon coal imported into or consumed therein. Such amount shall be paid for the use of the said towns respectively to such town councils, rural district councils, municipal bodies, companies or persons as the Governor in Commission shall determine.

Seed potatoes, duty on.

39. Whenever it shall appear to the Governor in Commission that it is desirable for the purpose of promoting the importation of potatoes for seed, to abrogate or reduce the duty upon potatoes for such purpose, the Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, abrogate or reduce such duty for such period as may be specified in such Order.

Hay, duty on.

40. Whenever it shall appear to the Governor in Commission that it is desirable in the interests of stock raisers to abrogate or reduce the duty on hay, the Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, abrogate or reduce such duty for such period as may be specified in such Order.

Lumber, survey of for duty.

41. Whenever wood, timber, boards, planks (dressed or undressed), laths or shingles are imported into Newfoundland, the quantity and kind of the same shall be ascertained by an authorized surveyor of lumber, who shall furnish to the proper officer of Customs a certificate in the form to be prescribed by the Board giving particulars of such survey. For every certificate of survey thus furnished such surveyor shall receive the sum of fifty cents.

Assessment and calculation of duty on lumber.

42. Duty on lumber under the provisions of Tariff Items 192 and 193 of the said Schedule A shall be assessed on the number of board measure feet, calculated as follows—

(a) duty shall be calculated by reference to the mean thickness;

(b) where the mean thickness is not exactly one-quarter inch, or a multiple thereof, duty shall be calculated at the rate applicable to the next higher quarter inch;

(c) the width of dressed lumber shall be taken as the gross width, without allowance for planing, tonguing or grooving.

Articles for use in new industries; duty on.

43. On such articles of machinery, implements, or materials as are necessary to the initiation and installation of a manufacture or industry in Newfoundland, or to be used in or in connection with such industry, there shall be levied and collected such lesser duties than those provided for in the Schedules to this Act as the Governor in Commission may from time to time fix by Order in Commission published in the Newfoundland Gazette, and each Order may prescribe such conditions and regulations (if any) concerning the said importations as the Governor in Commission thinks fit: Provided that the words "machinery, implements, or materials" shall not include steam boilers of a kind which can be manufactured in Newfoundland or hand tools.

Reciprocal reduction in duty on certain articles.

44. The Governor in Commission may, by Order in Commission, remit the whole or any portion of the duties provided for in the Schedules to this Act upon port or other wines, currants and sultana raisins, or other articles imported from the country of production into Newfoundland, when it shall appear to him that the duty on codfish, the product of Newfoundland, imported into such country, has been or will be reciprocally reduced.

Rebate on export of locally manufactured goods.

45. Subject to the provisions of any regulations in relation to drawback made under the Customs and Excise Acts from time to time in force—

(a) there may be allowed on the exportation of goods which have been imported into Newfoundland and on which duty has been paid drawback equal to the duty so paid with such deductions therefrom, if any, as may be provided for in such regulations; **and**

(b) upon the exportation of goods manufactured in Newfoundland other than those mentioned in the said Schedule B, there may be allowed a drawback or rebate equal to the duty paid or such proportion of the duty paid on the material used in the manufacture of the goods, or such specific sum in lieu thereof as the Commissioner for Finance may determine.

Specified goods; marking of on importation.

46. Before delivery for home consumption of butter substitutes, tobacco, cigars and cigarettes imported into Newfoundland, the packages in which such goods are contained shall be marked by the importer with the name of the article concerned and in such further manner by the imposition of distinguishing words or marks, the affixing of stamps, or otherwise as the Board may by regulation prescribe, and the cost of all such marks and stamps and of affixing the same shall be borne by the importer.

Unmarked goods; prohibition and forfeiture.

47. The delivery for home consumption of any goods required to be marked or stamped in accordance with Section 46 of this Act before the package containing the goods is marked or stamped as aforesaid, is hereby prohibited, and any such goods so delivered shall be forfeited.

Licensing of factories for goods subject to Excise duty.

48.—(1) Butter substitutes, tobacco, cigars and cigarettes shall not be manufactured in Newfoundland except in a factory licensed for the purpose by the Board.

Regulations.

(2) The Board may make regulations prescribing the kind and class of establishment to which or in respect of which a licence may be issued for the purpose of this section, and may prescribe the minimum number of operatives to be employed therein as a condition precedent to the grant of such a licence.

Licence fees.

(3) Licence fees shall be payable in respect of such factories annually in advance on the first day of July and shall be as follows:

For every factory employing not more than 20 operatives ..... $200 per annum

For every factory employing 21 to 50 operatives ..... $500 per annum

For every factory employing 51 to 100 operatives ..... $800 per annum

For every factory employing 101 or more operatives ..... $1,000 per annum

Factories to be bonded warehouses; regulations, marking of goods, etc.

49. Every factory licensed for the production or manufacture of butter substitutes, tobacco, cigars or cigarettes shall be deemed to be a bonded warehouse, and all the provisions of the Customs and Excise Acts for the time

being in force shall apply thereto unless the Board shall otherwise prescribe. The products of manufacture therein and the ingredients of such manufacture shall be under the control of the Board. The Board may make regulations for the control of such factories and for securing the duty on goods manufactured therein. Before delivery for consumption of any goods manufactured in such factories the packages in which such goods are contained shall be marked by the licensee with the name of the article concerned and in such further manner by the imposition of such distinguishing words or marks, the affixing of stamps or otherwise as the Board may by regulation prescribe and the cost of all such marks and stamps and of affixing the same shall be borne by the licensee.

Unmarked goods, subject to Excise; prohibition and forfeiture.

50. The delivery from any factory licensed in accordance with Section 48 of this Act of any goods required to be marked or stamped in accordance with Section 49 of this Act before the package containing the said goods is marked or stamped as aforesaid is hereby prohibited and any goods so delivered shall be forfeited.

Excise duty; when payable.

51. The Excise duty levied upon butter substitutes, tobacco, cigars and cigarettes manufactured in Newfoundland shall be payable in advance at such times as the Board may direct, and before a permit is issued for the entry of such goods for home consumption.

Establishments for manufacture of spirits or malt liquors; control regulations; marking of products of.

52. Every establishment for the manufacture or treatment of spirituous liquors or malt liquors operated under a licence from the Board of Liquor Control shall be deemed to be a bonded warehouse; and all the provisions of the Customs and Excise Acts for the time being in force shall apply thereto unless the Board shall otherwise prescribe. The products manufactured therein and the ingredients of such manufacture shall be under the control of the said Board. The Board may make regula-

tions for the control of such establishments and for securing the duty on goods manufactured therein. Before delivery for consumption of any goods manufactured in such establishments the packages in which such goods are contained shall be marked by the licensee with the name of the article concerned and in such further manner by the imposition of such distinguishing words or marks, the affixing of stamps or otherwise as the Board may by regulation prescribe and the cost of all such marks and stamps and of affixing the same shall be borne by the licensee.

Establishments for manufacture of spirits or malt liquors, rendering of accounts.

53.—(1) The owner or manager of every establishment where spirituous or malt liquors are made, handled or treated, or his authorized agent, shall, on the first Monday in every month render to the Collector of Customs an account of the spirituous or malt liquors made, or handled in, or treated at the establishment since the last preceding account, and shall make and subscribe before an officer of Customs such oath and attestation of the account as the Board may prescribe.

Allowance for waste.

(2) In respect of such accidental waste and loss as arises in brewing, a deduction of six per centum shall be made from the gross quantity brewed or manufactured; and the duties raised, levied or to be collected under Items E1401 and E1401a of Schedule C to this Act, upon ale, porter, or Bavarian beer, botanic beer and all other small dextrinous liquors shall be paid upon the nett quantity remaining.

Penalties.

54. Every person who commits a breach of any of the provisions of the preceding sections from 46 to 53, both inclusive, of this Act, or of any regulations made under the authority of any of the said sections, shall be liable on summary conviction to a penalty not exceeding four hundred dollars or treble the value of any goods which may be the subject of such breach, whichever is the great-

er, and in default of payment to imprisonment for a period not exceeding twelve months and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence be convicted his licence may be forfeited and the Board may refuse to grant a licence for such period as they may determine.

Saving of statutory rights.

55. This Act shall not affect in any way any right granted to any company by statute or under any contract with the Government, confirmed by statute.

Educational films; exemption of from Customs duty.

56.—(1) No Customs duty shall be charged on the importation into Newfoundland of any cinematograph film which is certified by the Commissioner for Home Affairs and Education under this section.

Films produced in foreign country; certificate.

(2) A cinematograph film produced by a person established in a foreign country shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied that the film is entitled to exemption from Customs duty under the Convention for Facilitating the International Circulation of Films of an Educational Character which was signed on behalf of His Majesty at Geneva on the eleventh day of October, nineteen hundred and thirty-three.

Film produced in British Empire; certificate.

(3) A cinematograph film produced by a person established in any country in the British Empire shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied—

(a) that the film is of an educational character, and has been certified to be of such a character by the Government of that country or by a person recognized for the purpose by that Government; and

(b) that the laws of that country provide for a corresponding exemption from the Customs duty on

films which have been produced by a person established in Newfoundland.

Film produced in Newfoundland; certificate.

(4) A cinematograph film produced by a person established in Newfoundland shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied that the film is of an educational character.

No payment of duty if certain certificates obtained.

(5) Where on the importation of any cinematograph film the Board is satisfied that an application has been or will be made to the Commissioner for Home Affairs and Education for a certificate under this section and—

(a) in the case of a film produced by a person established in a foreign country, that it has been certified as being of an international educational character under Article IV of the said Convention; and

(b) in the case of a film produced by a person established in a country in the British Empire, that it has been certified in accordance with the provisions of paragraph (a) of subsection (3) of this section;

the Board shall, subject to such conditions as they think fit to impose for the protection of the revenue, allow the film to be imported without payment of duty.

Interpretation.

(6) In this section—

(a) the expression "the British Empire" means His Majesty's Dominion outside Newfoundland including the United Kingdom and all parts of India, territories under His Majesty's protection, territories in respect of which a mandate of the League of Nations is being exercised by the Government

of the United Kingdom, and territories in respect of which a mandate of the League of Nations is being exercised by the Government of any Dominion within the meaning of the Statute of Westminster, 1931.

(b) the expression "cinematograph film" means a developed negative or positive cinematograph film and includes both a gramaphone record or other form of sound reproduction complementary to such a film and a developed negative or positive tract;

and for the purpose of this section a person carrying on business shall be deemed to be established in the country in which his principal place of business is situated and any other person shall be deemed to be established in the country in which he is resident.

Period of operation of Item 653.

57. The right to import or receive goods free of duties under paragraph (c), paragraph (d), paragraph (e), paragraph (f), or paragraph (g) of Item 653 of the said Schedule A, or under paragraph (c) or paragraph (d) of Item E1410 of the said Schedule C shall cease on the 30th day of June, 1946.

Extension of Section 195, Customs and Excise Act, 1938.

58. The powers vested in the Board under Section 195 of the Customs and Excise Act, 1938, shall apply in respect of every offence under this Act, or of the breach of any regulation made under the authority of this Act.

Drawbacks.

59. No drawback, or refund of revenue, shall be allowed, other than those provided for in this Act, and the Customs and Excise Acts for the time being in force.

Repeal.

60. The Acts mentioned in Schedule F to this Act are hereby repealed to the extent shown in the third column of the said Schedule F.

Short title.

61. This Act may be cited as the Revenue Act, 1946.

SCHEDULE A

GOODS SUBJECT TO DUTY AND FREE GOODS

GROUP 1.—FOOD, DRINK AND TOBACCO

A.—Grain and Flour

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
1	**Wheat,** for seed purposes		Free	Free	Free
2	**Whole wheat,** for grinding or milling		Free	Free	Free
3	**Barley,** when imported for seed		Free	Free	Free
4	**Barley,** for brewing	ad val.	15%	15%	15%
5	**Barley,** pearled, including weight of immediate package	per lb.	$0.01	$0.01	$0.01
6	**Oats,** including weight of immediate package	per bushel	$0.05	$0.05	$0.05
7	**Buckwheat,** for seed		Free	Free	Free
8	**Rye,** for seed		Free	Free	Free
9	**Peas,** dried, including weight of immediate package	per 100 lbs.	$1.00	$1.00	$1.00
10	**Beans and lentils,** including weight of immediate package	per 100 lbs.	$1.00	$1.00	$1.00
11	**Maize or Indian corn,** whole		Free	Free	Free
12	**Malt**	ad val.	18%	18%	18%
13	**Rice,** cleaned, including weight of immediate package	per 100 lbs.	$1.00	$1.00	$1.00
14	**Rice,** uncleaned or refuse	ad val.	15%	15%	15%
15	**Wheat meal and flour**		Free	Free	Free
16	**Oatmeal and rolled oats,** when imported in packages containing 7 lbs. or over, including weight of immediate package	per 100 lbs.	$0.50	$0.50	$0.50
17	**Maize meal or Indian corn meal,** bolted or granulated, includ-				

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.
A. Grain and Flour—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	ing weight of immediate package	per 100 lbs.	$0.12½	$0.12½	$0.12½
18	**Meal and flour** of other kinds, N.E.S.	per lb.	$0.02	$0.02	$0.02
19a	**Animal and poultry feeds**, N.E.S., including prepared feeds of corn and grain, offals of corn and grain, oil cake, oil cake meal, cotton seed cake, cotton seed meal, pease meal		Free	Free	Free
19b	**Feeding stuffs.** Dog biscuits and food for pets, including weight of immediate package	per 100 lbs.	$0.10	$0.10	$0.10
20	**Farinaceous preparations** (proprietary and otherwise), rice flour, sago, tapioca, corn flour, farina, dextrine and potato flour, etc., except starch	ad val.	40%	40%	40%
21	**Soya Flour**		Free	Free	Free
	B. Meat, including Animals for Food				
26	**Oxen and Bulls**, N.O.P.	ad val.	30%	30%	30%
27	**Cows**, N.O.P.	ad val. or per animal whichever is the lesser	30% $22.50	30% $22.50	30% $22.50
28	**Calves**, N.O.P.	each	$2.00	$2.00	$2.00
29	**Sheep**, N.O.P.	each	$2.00	$2.00	$2.00
30	**Pigs** under three months of age		Free	Free	Free
31	**Swine**, N.E.S. and N.O.P.	each	$2.50	$2.50	$2.50
32	**Fresh meat**, N.E.S.	per lb.	$0.04	$0.04	$0.04

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

B. Meat, including Animals for Food—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
33	**Fresh liver and beef trimmings** ..	per lb.	$0.01½	$0.01½	$0.01½
34	**Poultry and game,** dead	per lb.	$0.07	$0.07	$0.07
35	**Poultry,** live, N.O.P.	ad val.	35%	35%	35%
36	**Sausages,** N.E.S., including those known as black puddings ..	per lb.	$0.06	$0.06	$0.06
37	**Sausages,** Bologna	per lb.	$0.01½	$0.01½	$0.01½
38	**Beef,** salted, in barrels	per brl.	$1.55	$1.55	$1.55
39	**Pork,** salted, including heads, jowls, tongues, etc., in barrels or half-barrels	per brl.	$1.55	$1.55	$1.55
40	**Hams, bacon or bellies, tongues and beef,** smoke cured, cooked or not	per lb.	$0.06	$0.06	$0.06
41	**Hams and tongues,** dry salted or pickled	per lb.	$0.04	$0.03	$0.03
42	**Meats, bacon or bellies,** dry salted or pickled, N.E.S.	per lb.	$0.02	$0.02	$0.02
43	**Cooked meat specialties,** not hermetically sealed	per lb.	$0.04	$0.04	$0.04
44	**Canned meats,** hermetically sealed, known as C.C. beef, corned beef, corned beef hash, boiled beef, luncheon beef, roast beef, roast mutton, boiled mutton and brawn, including the weight of immediate coverings	per lb.	$0.02	$0.02	$0.02
45	**All other meats,** hermetically sealed in glass, cans or otherwise, N.E.S.	ad val.	40%	40%	40%

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
51	**Aerated and mineral waters and non-alcoholic drinks**	ad val.	65%	65%	65%
52	**Beer, ale and porter**	per gal.	$1.25	$1.25	$1.25
53	**Ships' biscuits**	per cwt.	$0.15	$0.15	$0.15
54	**Soda, water, butter, pilot biscuits,** and all unsweeteened biscuits	per lb.	$0.04	$0.04	$0.04
55	**Biscuits and bread, N.E.S.**	ad val.	60%	60%	60%
56	**Cake, N.E.S.**	per lb.	$0.12	$0.12	$0.12
57	**Bladders, casings and sausage skins**	ad val.	12%	12%	7%
58	**Butter, N.E.S.**	per lb.	$0.08	$0.08	$0.07
59	**Butterine, oleomargarine and** similar substitutes for butter	per lb.	$0.07	$0.07	$0.07
60	**Cheese, N.E.S.**	per lb.	$0.03	$0.03	$0.03
61	**Cheese in crocks,** including cost of crock	ad val.	60%	60%	60%
62	**Chicory,** raw or green	per lb.	$0.06	$0.06	$0.06
63	**Chicory,** kiln dried, roasted or ground	per lb.	$0.07	$0.07	$0.07
64	**Cider and perry**	per gal.	$0.40	$0.40	$0.40
65a	**Cocoa and chocolate, cocoa shells and nibs,** ground or prepared, N.E.S.	per lb.	$0.09½	$0.09½	$0.09½
65b	**Cocoa and chocolate,** ground or prepared, when imported in packages containing 7 lbs. or over, including weight of immediate container	per lb.	$0.07	$0.07	$0.07

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
65c	**Cocoa and chocolate powder preparations,** containing milk or sugar, when imported in packages containing 7 lbs. or over, including weight of immediate container	ad val.	35%	35%	35%
66	**Cocoa butter,** and all similar substances and substitutes therefor	per lb.	$0.05	$0.05	$0.05
67	**Coffee,** green	per lb.	$0.07	$0.07	$0.05
68	**Coffee,** roasted or ground, including preparations or mixtures to resemble coffee	per lb.	$0.12	$0.12	**$0.10**
69	**Extracts of coffee** of all kinds ..	ad val.	55%	55%	55%
70	**Eggs** in the shell, N.E.S.	per doz.	$0.10	$0.10	$0.10
71	**Fish**—fresh, N.O.P., such as—cod, halibut, haddock, hake, ling..	per cwt.	$1.50	$1.50	$1.50
72	**Fish** of any description, salted or dried, N.O.P.	per cwt.	$2.25	$2.25	$2.25
73	**Fish,** smoked or boneless, N.O.P. .	ad val.	60%	60%	60%
74	**Anchovies, sardines, oysters, clams lobsters,** and all fish prepared, preserved, or packed in oil or otherwise, N.E.S. and N.O.P., and all other articles the product of the fisheries not specially provided for	ad val.	60%	60%	60%
75	**Fish of British Catch and Cure,** and oil, the produce of such fish (not to include canned or hermetically sealed goods or preparations of fish oils)		Free	Free	Free
	Fruit—raw:—				
76a	Apples		Free	Free	Free

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
76b	Bananas		Free	Free	Free
77	Oranges, melons, pumpkins, lemons, limes, grapes, grapefruit, peaches, pears, plums, apricots, cherries, gooseberries, currants, strawberries, pineapples, pomegranates, guava, shaddocks, mangoes, and similar green fruits		Free	Free	Free
78a	**Dried fruits,** (other than dates); currants and dried raisins, N.E.S.	per lb.	$0.03	$0.02	$0.02
78b	**Dates,** fruit pastes, fruit otherwise preserved, N.E.S. and N.O.P.	per lb.	$0.03	$0.03	$0.03
79	**Prunes, figs and fig cake**		Free	Free	Free
80a	**Currants and sultana raisins** when purchased by the importer in Greece and imported therefrom, during the continuance of the Agreement between the United Kingdom and Greece		Free	Free	Free
80b	**Natural-dried sultana type raisins,** otherwise known as Natural Thompson's Seedless Raisins, in bulk or in packages	per lb.	$0.03	Free	Free
81	**Candied peel**	per lb.	$0.07	$0.07	$0.07
82	**All candied, crystalized or glace fruits,** including angelica and ginger, N.E.S.	per lb.	$0.12	$0.12	$0.12
83	**Fruit, canned,** bottled or otherwise preserved, N.E.S., including ginger in syrup	ad val.	40%	40%	30%
84	**Fruit juices, fruit syrups and fruit essences** imported in contain-				

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	ers of not less than one gallon capacity	ad val.	33%	33%	33%
85	**Fruit juices, fruit syrups, and fruit essences** imported in containers of less than one gallon capacity, N.E.S.	ad val.	35%	35%	35%
86	**Nuts,** viz.:				
	Almonds, walnuts, brazil nuts, peanuts, pecans, filberts, hickory, and other kinds of edible nuts	per lb.	$0.06	$0.06	$0.06
87	**Nuts,** shelled	per lb.	$0.12	$0.12	$0.12
88	**Cocoanuts,** N.E.S.	per 100	$1.80	$1.80	$1.80
89	**Cocoanuts,** when imported from place of growth by vessel direct to a Newfoundland port	per 100	$0.75	$0.75	$0.75
90	**Cocoanut,** desiccated, sweetened or not	per lb.	$0.06	$0.06	$0.02
91	**Hops**	ad val.	20%	20%	20%
92	**Isinglass, jelly powders and tablets, calves' feet jelly,** and such like preparations; crystals and powders for making lemonade and similar beverages	ad val.	60%	60%	60%
93	**Lard, lard compound,** and similar substances, cottolene and stearine of all kinds, N.E.S.	ad val.	50%	30%	30%
94	**Milk and cream,** preserved, sterilized or condensed; and milk powders, including the weight of immediate coverings	per lb.	$0.02½	$0.02½	$0.02½
95	**Milk foods** and like preparations made with or without added				

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	sugar or sweetening matter (other than saccharine)	ad val.	45%	45%	35%
	Oils, refined, edible:—				
96	Cocoanut, cotton seed, olive, palm, sesame, N.E.S., when imported in containers of not less than one gallon capacity	ad val.	33%	33%	33%
97	Cocoanut, cotton seed, olive, palm, sesame, N.E.S., when imported in containers of less than one gallon capacity	ad val.	60%	60%	60%
98	**Pickles and vegetables**, preserved in salt or vinegar	ad val.	40%	40%	40%
99	**Salt**, smoked, table and dairy, N.E.S.	ad val.	23%	23%	23%
100	**Sauces and condiments** unenumerated, sweetened or unsweetened, including soy or chutney	ad val.	40%	40%	40%
101	**Soups** of all kinds in packages hermetically sealed	ad val.	40%	40%	40%
102	**Spices**:— Cinnamon, ginger, pepper, mustard, nutmegs, mace, carroway and all other spices .. .	ad val.	40%	40%	40%
103	**Spirits** of any description, N.E.S., wood naphtha, or methyl alcohol, denatured or methylated spirits	ad val.	65%	65%	65%
105	**Alcohol**, N.O.P.	per proof gallon	$5.80	$5.80	$5.80
106	Brandy, including artificial brandy and imitations thereof	per proof gallon	$10.50	$10.50	$10.50

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
107	Whiskey	per proof gallon	$9.90	$9.90	$9.90
108	Gin of all kinds	per proof gallon	$9.00	$9.00	$9.00
109	Rum	per proof gallon	$8.40	$8.40	$8.40
110	Cordials, liquors and shrubs of all kinds	per proof gallon	$9.00	$9.00	$9.00
110a	Angostura bitters	per proof gallon	$5.90	$5.90	$2.90
111	Whiskey, brandy, gin, rum, and other spirituous liquors, not including pure alcohol, when brought into Newfoundland in transit from some place outside Newfoundland, upon the importation thereof	per gal.	$0.12½	$0.12½	$0.12½
112	**Wines as specified in Items 139-150 of this Schedule, cordials, ales and beers, perry and cider, and pure alcohol,** N.E.S., when brought into Newfoundland in transit from some place outside Newfoundland, upon the importatinn thereof	per gal.	$0.20	$0.20	$0.20
113	**Alcohol,** pure, in metal containers when brought into Newfoundland in transit from some place outside Newfoundland, upon the importation thereo	per gal.	$0.05	$0.05	$0.05
	Sugars:—				
114	**Loaf,** cut loaf, cube, caster and powdered or icing, N.E.S.	per lb.	$0.06	$0.06	$0.06
115	Sugar, N.E.S.	per lb.	$0.04¼	$0.04¼	$0.04¼

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
116	**Sugar, brown or yellow,** when imported direct or in bond from the British West Indies	per lb.	$0.02¼	$0.02¼	$0.02¼
117	**Sugar candy and all confectionery,** N.E.S., including almond paste and ground sweet almonds, sweetened gums, liquorice confectionery and pop corn, costing at the place of shipment	ad val.	45%	45%	35%
	less than $0.18 per lb.	per lb.	$0.05	$0.05	$0.05
118	Confectionery as specified in the immediately preceding item costing at the place of shipment $0.18 per pound and	ad val.	40%	40%	30%
	over $0.18 per pound	per lb.	$0.01	$0.01	$0.01
119	Confectionery, in bars or packages to be sold at a retail price of five cents per bar or package.	per 24 bars or packages	$0.14½	$0.14½	$0.08½
		plus per lb.	$0.02½	$0.02½	$0.01½
		or per 24 bars or packages	$0.20	$0.20	$0.14
		whichever is the greater			
120	Confectionery, when imported in fancy packages of commercial value, the value of the package to be included for duty ..	ad val.	60%	60%	50%
121	**Chewing gum** of all kinds	ad val.	65%	65%	65%
122	**Honey,** in the comb or otherwise, and imitations thereof	ad val.	40%	40%	40%

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
123	**Jams and jellies of fruit, and preserves, N.E.S.**	per lb.	$0.08	$0.08	$0.06
124	**Marmalade**	per lb.	$0.08	$0.08	$0.06
125	**Maple sugar, maple syrup, syrups and molasses of all kinds, N.E.S.**	ad val.	60%	60%	60%
126	**Molasses, produced in the British West Indies, in the process of the manufacture of cane sugar from the juice of the cane, when imported in the original package in which it was placed at the point of production or its shipping port and not afterwards subjected to any process of treating or mixing**	per gal.	$0.05	$0.05	$0.05
127	**Saccharine, glucose and caramel**	ad val.	55%	55%	55%
128	**Tea**	per lb.	$0.14	$0.14	$0.10
	Vegetables, raw:—				
129	**Beets, carrots, parsnips, sweet potatoes and yams**	per bushel	$0.40	$0.40	$0.40
130a	**Cabbage, 16th July to 30th April, both inclusive**	per lb.	$0.02½	$0.02½	$0.02½
130b	**Cabbage, 1st May to 15th July, both inclusive**	per lb.	$0.01½	$0.01½	$0.01½
132a	**Cucumbers, rhubarb, squashes and other vegetables, N.E.S., 1st June to 30th November, both inclusive**	ad val.	55%	55%	55%
132b	**Cucumbers, rhubarb, squashes and other vegetables, N.E.S., 1st December to 31st May, both inclusive**	ad val.	15%	15%	15%
133	**Onions**	per 100 lbs.	$0.50	$0.50	$0.50

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
133a	Tomatoes, 1st June to 30th November, both inclusive	ad val.	35%	35%	15%
133b	Tomatoes, 1st December to 31st May, both inclusive	ad val.	20%	20%	Free
134	Potatoes	per bushel	$0.29	$0.29	$0.29
135	Turnips	per bushel	$0.45	$0.45	$0.45
136	Vegetables, dried, preserved or canned	ad val.	40%	40%	40%
137	Vinegar, when imported in casks	per gal.	$0.25	$0.25	$0.25
138	Vinegar, when imported in bottles	ad val.	60%	60%	60%
	Wines, viz:—				
139	Champagne	per gal.	$12.90	$12.90	$12.90
140	Port and Madeira	per gal.	$4.25	$4.25	$4.25
141	Sherry and Manzanilla	per gal.	$3.40	$3.40	$3.40
142	Malaga and Montilla, costing at the place of shipment less than $0.80 per gallon	per gal.	$1.05	$1.05	$1.05
143	Malaga and Montilla, costing at place of shipment $0.80 or more per gallon	per gal.	$3.45	$3.45	$3.45
144	Hock, Burgundy and light Rhenish wine	per gal.	$3.05	$3.05	$3.05
145	Claret	per gal.	$1.40	$1.40	$1.40
146	Spanish Red, Denia, Sicilian, Figueira, Red Lisbon, Cape and common Lisbon and similar wines	per gal	$0.85	$0.85	$0.85

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
147	Ginger and Vermouth wines, containing not more than 26% of proof spirits	per gal.	$2.15	$2.15	$2.15
148	Ginger and Vermouth wines, containing over 26% of proof spirits	per gal.	$5.55	$5.55	$5.55
149	All other wines, N.O.P.	per gal.	$3.45	$3.45	$3.45
150	Sacramental wines		Free	Free	Free
151	**Yeast, yeast cakes, compressed yeast**	ad val.	50%	50%	50%
152	**Baking Powders**	per lb.	$0.10	$0.10	$0.10
153	**All other foodstuffs**, N.E.S., and N.O.P.	ad val.	40%	40%	40%
	D. Tobacco				
161	**Tobacco**, plug, firm pressed	per lb. ad val.	$0.49 18%	$0.49 18%	$0.49 18%
162	**Tobacco**, N.E.S.	per lb.	$0.96	$0.96	$0.96
163	**Cigars**, manufactured	per lb.	$3.70	$3.70	$3.70
164	**Cigarettes**, manufactured	per lb.	$4.95	$4.95	$4.95
165	**Snuff**, manufactured	per lb.	$0.80	$0.80	$0.80
166	**Tobacco** leaf, stripped and partly manufactured	ad val. per lb.	18% $0.55	18% $0.55	18% $0.55
167	**Tobacco leaf**, unstemmed	ad val. per lb.	8% $0.55	8% $0.55	8% $0.55
	GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANFACTURED				
	A. Coal, Coke and Manufactured Fuel.				
171	**Coal:—** Known as anthracite when brought into or imported into the port of St. John's	per ton	$1.75	$1.75	$1.75

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

A. Coal, Coke and Manufactured Fuel—Contd

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
172	All other descriptions of coal, N.E.S., when brought into or imported into the port of St. John's	per ton	$1.05	$1.05	$1.05
173	When brought into or imported into the port of Carbonear	per ton	$0.85	$0.85	$0.85
174	When brought into or imported into the port of Harbour Grace	per ton	$0.85	$0.85	$0.85
175	When brought into or imported into the port of Heart's Content	per ton	$0.85	$0.85	$0.85
176	When brought into or imported into the port of Placentia	per ton	$0.85	$0.85	$0.85
177	When brought into or imported into the port of Bell Island	per ton	$0.85	$0.85	$0.85
178	When brought into or imported into any other port or place in Newfoundland	per ton	$0.52	$0.52	$0.52
179	**Coke, N.E.S.**	per ton	$2.50	$2.50	$2.50
180	**Manufactured fuel**	ad val.	65%	65%	65%
	B. Ores and Scrap Metal				
181	**Ores to be used as flux**	ad val.	25%	25%	25%
182	**All other ores**		Free	Free	Free
183	**Scrap iron and steel and other scrap metal** (old), fit only to be remanufactured, being part of or recovered from any vessel wrecked in waters subject to the jurisdiction of Newfoundland		Free	Free	Free
184	**Old iron and steel, old copper and old composition metal and junk**	ad val.	25%	25%	25%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

C. Wood and Timber

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
191	**Timber**, squared or partly squared, measuring 5 inches square and over, N.E.S., and not to include mast pieces or wharf shores or logs undressed	per 40 cubic feet	$2.30	$2.30	$2.30
192	**Lumber**, viz., boards and planks, 1 inch in thickness, and so in proportion for any greater or lesser thickness, N.E.S.	per M. feet	$8.25	$8.25	$8.25
193	**Lumber**, boards and planks, grooved, tongued or dressed, plywood (including lamin board, blackboard and baton board) and veneers, 1 inch in thickness and so in proportion for any greater or lesser thickness	per M. feet	$11.50	$11.50	$11.50
194	**Lumber**, undressed, under 5 inches square, of a kind which is proved to the satisfaction of the Board of Customs not to be grown or produced in Newfoundland	per M. feet	$5.65	$5.65	$5.65
195a	**Laths**	per M.	$1.15	$1.15	$1.15
195b	**Shingles**	per 4 bundles	$1.15	$1.15	$1.15
196	**Lignum Vitae**		Free	Free	Free
197	**Casings, copings and lockings**, for timbers of dories	ad val.	23%	23%	23%
198	**Wood fibre board, wall board**, and similar manufactures	ad val.	30%	30%	30%
199	**Round timber**, viz.:—				
	Dressed or partly dressed, 50 feet or over in length, N.E.S.	ad val.	30%	30%	30%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

C. Wood and Timber—Contd

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
200	Dressed or partly dressed, under 50 feet in length, N.E.S. ..	ad val.	50%	50%	50%
201	Undressed, 50 feet or over in length, including wharf shores, N.E.S.	ad val.	20%	20%	20%
202	Undressed, under 50 feet in length, including wharf shores, N.E.S.	ad val.	30%	30%	30%
203	**Staves of oak,** undressed	ad val.	15%	15%	15%
204	**Staves of all other wood,** undressed, and hoops for coopers' use	ad val.	45%	45%	45%
205	**Staves,** manufactured and dressed, or partly manufactured and dressed	per 1,200	$11.60	$11.60	$11.60
206	**Staves,** second-hand, to make casks of 45 gallons and upwards ..	per 120	$8.25	$8.25	$8.25
207	**Staves,** second-hand, to make casks under 45 gallons	per 120	$1.20	$1.20	$1.20
208	**Heading,** for coopers' use	per pair	$0.10	$0.10	$0.10
	D. Cotton				
211	**Cotton,** raw		Free	Free	Free
212	**Cotton waste or rags** for use as waste	ad val.	35%	35%	35%
	E. Wool				
216	**Wool** — sheep or lambs, Alpaca, Vicuna and Llama. Mohair (Angora goats' hair), Camels' hair.		Free	Free	Free
217	**Woollen rags,** viz.:—shoddy or mungo wool, waste and wool noils	ad val.	35%	35%	35%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

F. Other Textile Materials

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
221	**Coir fibre**		Free	Free	Free
222	**Flax**, dressed or undressed, flax tow or codilla hemp, dressed or undressed, hemp tow or codilla, vegetable substances applicable to uses of hemp or flax and manilla		Free	Free	Free
223	**Waste jute or silk**	ad val.	35%	35%	35%

G. Oils, Fats and Gums

225	**Gasolene and motor spirit**, N.E.S., when imported or brought in to the undermentioned ports in the Avalon Peninsula or such other ports as the Board of Customs may from time to time determine, viz.:— St. John's, Bay Bulls, Cape Broyle, Ferryland, Trepassey, St. Mary's, Argentia, Holyrood, Bell Island, Bay Roberts, Harbour Grace and Carbonear.	per gal.	$0.16	$0.16	$0.16
226	**Gasolene and motor spirits**, N.E.S., when imported or brought into ports other than ports enumerated in the immediately preceding item	per gal.	$0.14	$0.14	$0.14
226a	**Motor fuel**, viz: light hydrocarbon oil of low octane classification coloured with purple dye	per gal.	$0.01	$0.01	$0.01
227	**Kerosene oil and all illuminating oils**	per gal.	$0.09	$0.09	$0.09
228	**Naphthas**, N.E.S., for manufacturing purposes and cleaners' solvents	per gal.	$0.04	$0.04	$0.04
229a	**Crude petroleum and fuel oil, N.E.S.**	per gal.	$0.01	$0.01	$0.01

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

G. Oils, Fats and Gums—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
229b	**Bunker fuel,** a hydrocarbon oil product, unsuitable for use in internal combustion engines and requiring artificial heating before consumption	per brl. of 35 gals.	$0.23	$0.23	$0.23
230	**Lubricating oil,** when imported in bottles, tins or other packages, each holding less than one gallon	ad val.	45%	45%	45%
231	**Lubricating oils,** N.E.S.	per gal.	$0.15	$0.15	$0.15
232	**Grease, tallow, stearine and animal fat,** not manufactured or prepared, N.E.S.	ad val.	35%	35%	35%
233	**Linseed or flaxseed oil,** raw or boiled, spirits of turpentine, and substitutes therefor and like oils for use in manufacturing, N.E.S.	ad val.	30%	30%	20%
234	**Neat's-foot oil, axle and other prepared grease**	ad val.	40%	40%	40%
235	**Spermaceti, whale and fish oils,** N.O.P.	ad val.	40%	40%	40%
236	**Wax, bees and paraffin,** N.E.S. ..	ad val.	40%	40%	40%
237	**Wax, paraffin,** solid or chipped, when imported in barrels or bags containing not less than 100 lbs.	ad val.	15%	15%	15%
	H. Hides and Undressed Skins				
241	**Hides,** raw, wet or dried		Free	Free	Free
242	**Skins and furs of all kinds,** undressed		Free	Free	Free

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

I. Materials for Paper Making

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
246	**Linen and cotton rags, esparto and other vegetable fibres**		Free	Free	Free
247	**Pulp of wood, mechanical, wet or dry**		Free	Free	Free
248	**Wire screens, for pulp and paper machines**		Free	Free	Free
249	**Felt, for pulp and paper machines**		Free	Free	Free
	J. Miscellaneous				
256	**Asbestos shingles**	ad val.	30%	30%	30%
257	**Asbestos and manufactures of asbestos, N.E.S., asbestos wallboard and similar manufactures of any material N.E.S.; rock wool, glass wool, and insulating materials of any material, N.E.S.**	ad val.	30%	30%	30%
258	**Asphalt and asphaltum and like preparations**	ad val.	28%	28%	18%
259	**Clay, known as fire clay**		Free	Free	Free
260	**Rubber, unmanufactured or partly manufactured**		Free	Free	Free
261	**Cork, corkwood, unmanufactured.**	ad val.	20%	20%	20%
262	**Feathers, for beds and pillows** ..	per lb.	$0.12	$0.12	$0.12
263	**Flagstones, freestones, sandstone and all building stones, undressed or not hammered or dressed, N.E.S.; marble and granite, rough and not hammered or dressed**	ad val.	25%	25%	25%
264	**Freestone, marble and granite, N.E.S.**	ad val.	25%	25%	25%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

J. Miscellaneous—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
265	**Flowers, fresh**	ad val.	25%	25%	25%
266	**Glue stock**	ad val.	40%	40%	40%
267	**Hair, N.E.S.**	ad val.	40%	40%	40%
268	**Hay**	per ton 2,000 lbs.	$4.75	$4.75	$4.75
269	**Horns, tips, etc.**		Free	Free	Free
270	**Ice**		Free	Free	Free
271	**Limestone**	per ton	$0.70	$0.70	$0.70
272	**Lime** (oxide of calcium)	per bushel	$0.30	$0.30	$0.30
273	**Manures and fertilizers** — basic slag, bones, guano, nitrate of soda, phosphate of lime, rock phosphate, and manures and fertilizers unenumerated, provided they are not manufactured in Newfoundland		Free	Free	Free
274	**Moss litter** for carriage and furniture manufacturers. Peat moss litter for poultry	ad val.	30%	30%	30%
275	**Pitch, resin and rosin**	ad val.	25%	25%	25%
276	**Plants**, trees and shrubs, N.E.S.	ad val.	20%	20%	20%
277	**Fruit-bearing trees**, bushes and plants		Free	Free	Free
278	**Plumbago**	ad val.	40%	40%	40%
279	**Sand**		Free	Free	Free
280	**Seed**, viz., flower and garden seeds, N.O.P.		Free	Free	Free
281	**Straw**		Free	Free	Free

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

J. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
282	**Tar**, Stockholm, American or coal, and tar mixtures. Creosote and all preparations of creosote, N.E.S.	ad val.	30%	30%	20%
283	**Other raw materials** and articles mainly unmanufactured, N.E.S. and N.O.P.	ad val.	40%	40%	40%
284	**Plastics** in blocks, sheets, or slabs to be further manufactured ..	ad val.	20%	20%	20%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED

A. Iron and Steel and Manufactures thereof

301	**Pig iron and ferro alloys**, for foundry use		Free	Free	Free
302	**Iron and mild steel**, including galvanized iron and mild steel in bars, strips, sheets, plates and pieces, N.E.S.	ad val	20%	20%	10%
303	**Iron and steel railway bars, or rails** of any form, punched or not, railway fish plates, including bolts for same, switches, frogs, crossings and intersections for railway, railway wheels and axles (complete).	ad val.	20%	20%	10%
304a	**Iron or steel bridges** or parts thereof	ad val.	10%	10%	10%
304b	**Columns, girders**, shapes or sections, outside coverings for buildings, corrugated metal sheets, steel or metal laths, metal shingles and ceiling coverings; iron or steel structural work, including bolts and fasteners specially manufactured to fit same	ad val.	20%	20%	20%
305	**Iron and steel pipe or tubing** and fittings for same, plain or gal-				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

A. Iron and Steel and Manufactures thereof

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	vanized, riveted, corrugated or otherwise specially manufactured, threaded or coupled and not. Iron and steel wire, N.E.S.	ad val.	40%	40%	30%
306	**Cast iron pipes,** and fittings for same	ad val.	40%	40%	40%
307	**Hoop iron and steel strips,** punched, splayed, nosed, or not for making hoops	ad val.	15%	15%	15%
308	**Forgings of iron and steel,** of whatever shape, size, or stage of manufacture, (including ships' propellors) when weighing under 5 cwt., N.E.S.	ad val.	50%	50%	50%
309	**Forgings of iron and steel** (including ships' propellors) when weighing 5 cwt. and over	ad val.	22%	22%	22%
310	**Tubes of wrought iron or steel,** for boilers, including smoke stacks, flues and corrugated tubes for marine boilers	ad val.	10%	10%	10%
311	**Boiler and ships' plates,** when of a thickness of one-quarter of an inch or over that thickness	ad val.	10%	10%	10%
312	**Fencing of iron or steel**	ad val.	50%	50%	50%
313	**Anchors, grapnels, coil chains** not cut into lengths ready for use, coil chain links and chain shackles	ad val.	20%	20%	10%
314	**Wire Rope, and shackles** for same	ad val.	10%	10%	10%
315a	**Wire and manufactures wholly or mainly of wire,** N.E.S.	ad val.	60%	60%	60%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

A. Iron and Steel and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
315b	**Wire brushes**	ad val.	40%	40%	30%
316	**Rivets, iron or steel nuts, washers,** N.E.S.; bolts with or without threads, nut bolts	ad val.	30%	30%	30%
318	**Stoves for burning coal or wood,** and parts thereof	ad val.	60%	60%	50%
319	**Iron bedsteads,** including spring mattresses and parts thereof	ad val.	60%	60%	50%
320	**Manufactures of galvanized iron and sheet steel,** N.O.P.	ad val.	50%	50%	40%
321	**Steel** commonly known as cast steel, including all special steels; shafting, rough or finished, turned, cold rolled, or polished, N.E.S.	ad val.	10%	10%	10%
322	**Bucket bottoms and bucket ears** not galvanized, and steel wool	ad val.	20%	20%	10%
323	**Cabinet wares** of iron, steel or other metals, for house, office or store	ad val.	50%	50%	40%
	B. Other Metals and Manufactures thereof				
331	**Lead** in bars or sheets	ad val.	10%	10%	10%
332	Manufactures wholly or mainly of brass or bronze, N.E.S., including rivets and wire	ad val.	50%	50%	40%
333	**Manufactures wholly or mainly of copper,** N.E.S.	ad val.	50%	50%	50%
334a	**Manufactures wholly or mainly of lead,** N.E.S.	ad val.	50%	50%	50%
334b	**Manufactures wholly or mainly of aluminium,** N.E.S.	ad val.	50%	50%	50%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

B. Other Metals and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
335	**Leaf of gold, silver, aluminium** or other metals, bronze powders and gold liquid paint.	ad val.	60%	60%	60%
336	**Manufactures of gold or silver,** N.E.S., silver, pewter, nickel-plated, gilt or electroplated ware of all kinds. Manufactures of nickel, nickel silver, Nevada or German silver, not plated	ad val.	65%	65%	65%
337	**Platinum and quicksilver**	ad val.	65%	65%	65%
338	**Aluminium, copper, tin, zinc, brass, bronze, British and Britannia metals, nickel,** in bars, blocks, ingots, sheets and slabs. Babbitt metal, type metal, phosphor tin, phosphor bronze in blocks, bars, plates, sheets and wire, rods of bronze, or other metals for welding purposes, and metal pieces known as chaplets, N.O.P.; spelter and solder, N.E.S.	ad val.	20%	20%	10%
339	**Stamped tin** and tin parts used in the manufacture of trunks. Metal parts for coffins and caskets. Silver composition metal used in the manufacture of jewellery and plated ware.	ad val.	40%	40%	40%
340	**Manufactures of tin,** N.E.S., and tinware, plain, japanned or lithographed	ad val.	50%	50%	40%
341	**Cans of tin or other metal imported in a manufactured state for putting up hermetically sealed goods,** including the packages in which imported	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

B. Other Metals and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
342	**Manufactures of metal, N.E.S.;** iron or steel fittings of any description, N.E.S.	ad val.	50%	50%	40%
C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments					
351	**Clocks** and parts thereof, watches, watch cases, clock and watch keys, watch glasses, watch movements and parts	ad val.	60%	60%	60%
352	**Fish hooks,** not including hooks or fly hooks for anglers		Free	Free	Free
353	**Axes,** saws of all kinds, N.E.S.; adzes, cleavers, hatchets, hammers and tools of all kinds, edged or not, for hand use, N.E.S., including bench machines, wedges, sledges, crowbars, cant-dogs, track tools, picks and eyes, wrenches and pliers of all kinds; shovels and spades of iron and steel or other metals; wooden shovels, tool and implement handles of all kinds, N.E.S..	ad val.	10%	10%	Free
354	**Anvils,** vices, files and rasps, rules of all kinds, N.E.S.; mallets and gauges, smiths' bellows, horse shoes, diamonds for glaziers' use, glass cutters and emery	ad val.	10%	10%	Free
355	**Knives,** table and other cutlery (plated or not), shears, scissors, erasers, lamp shears, razors, trimmers or clippers of all kinds, N.E.S.	ad val.	60%	60%	50%
356	**Safes** and doors for vaults, ice ploughs, flat irons, N.E.S.; signs of any material framed				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments —Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	or not. Letters of any material for signs or similar use; garden or lawn sprinklers and lawn mowers; bird, squirrel, rat or mouse cages of wire or other material	ad val.	60%	60%	50%
357a	**Scales, balances, weighing beams and weights**	ad val.	20%	20%	10%
357b	**Lamps, side lights, head lights,** lanterns (not electric), buckles of all kinds, N.E.S., (not being jewellery); slide shoes, N.E.S., and bread mixers ...	ad val.	60%	60%	50%
358	**Builders', cabinet makers', upholsterers' and trunkmakers' hardware,** including furniture springs, hinges and locks, N.E.S.; screws, commonly called wood screws of iron, steel, brass or other metal (plated or not) and machine and other screws, N.E.S.; traps of iron or other metal, including rat and mouse traps, wholly or partially made of wood ..	ad val.	30%	30%	20%
359	**Nails,** viz.:—				
	Nails, spikes, brads, sprigs, tacks, and dowel pins of all varieties and of all metals, plain or coated, leathered or not, N.E.S.	per 100 lbs.	$2.00	$2.00	$1.35
360	**Bows for hoods,** springs, axles, shafts and other clips, circles, stamp joints and offsets, swing hoods, swing rings and plates, spring shackles, felloe plates, and other manufactures of malleable iron used by car-				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments —Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
	riage builders; axle boxes, spring steel; carriage trimmings, such as tufts, whip sockets, lace, shaft tips, swing ends, and silver beadings ...	ad val.	30%	30%	30%
361	**Patterns** not of metal for use in metal working	ad val.	10%	10%	10%
362	**Hollow-ware** of metal, tinned, enamelled or not, N.E.S., coal boxes and coal scoops, buckets and slop pails	ad val.	40%	40%	30%
363	**Agricultural implements** and parts for same, N.E.S. and not including lawn mowers; agricultural machinery, N.E.S.; raffia, plant caps of paper, bone crushers, air motors, churns, cream separators, incubators, brooders; special seamless milk cans including strainers in use by farmers; wire netting, wire fencing and fasteners and gates for wire fences, when the gates are made chiefly of wire. Pasteurizing plant approved by the Board of Customs		Free	Free	Free
364a	**Hay and feed cutters**, hay binders, mowing machines, horse-drawn hay rakes, manure spreaders, tedders for hay spreading, harrows, gang plows, cultivators, horse-drawn seeding machines, threshing, reaping, and binding machines, mechanical hay carriers and manure carriers, approved by the Board of Customs		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments —Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
364b	**Metal barn equipment** including galvanized or steel cow stalls, cattle stanchions and water bowls	ad val.	25%	25%	25%
365	**Mariners' compasses** and cards for same; patent logs and log lines, sextants and quadrants, brass binnacles and chronometers for ships' use	ad val.	10%	10%	10%
366	**Fog horns**	ad val.	20%	20%	10%
367	**Pianofortes**, organs and musical instruments of all kinds, and parts therefor, N.O.P., including catgut and other strings, provided that musical instrument cases shall be dutiable at the same rate as their contents when imported containing the instrument; phonographs, gramophones and such instruments and parts for same including needles and records	ad val.	30%	30%	20%
368	**Thermometers**, barometers, clinometers, telescopes, binoculars	ad val.	50%	50%	50%
369a	**Cinematograph apparatus** and cameras of all kinds and parts therefor	ad val.	65%	45%	45%
369b	**Cinematograph films** intended for public exhibition	Per M. feet	$9.60	$9.60	$9.00
369c	**Scientific, mathematical, optical and philosophical instruments;** photographic appliances, N.E.S., magic lanterns and slides therefor, N.E.S., gauges and measuring instruments of precision; tapelines of any material	ad val.	55%	55%	45%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments —Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
370	**Albuminized and other papers,** films chemically or otherwise prepared. Dry plates for photographers' use	ad val.	35%	35%	35%
371	**Spectacles, eyeglasses,** frames and metal parts therefor	ad val.	65%	65%	65%
372a	**Surgical and dental instruments** (not being furniture). Surgical needles, surgical gloves, clinical thermometers, catgut and silk sutures; splints	ad val.	35%	35%	35%
372b	**Medical Dressings,** such as oiled silk, absorbent cotton, gauze and sanitary napkins; bandages, medicated or not; adhesive plasters and medicated plasters; medical appliances such as surgical trusses, suspensory bandages, orthopedic appliances, elastic bandages and thumb stalls	ad val.	35%	35%	25%
373	**Gas Meters,** gas burners, gas fixtures and parts thereof (including lava or other tips). and gas mantles	ad val.	30%	30%	20%
374	**Gas Appliances,** N.E.S., and parts thereof	ad val.	30%	30%	20%
375	**Oil lamps,** oil stoves, oil appliances, N.E.S., and parts therefor and lamp wicks	ad val.	30%	30%	20%
376	**Safety helmets,** safety lamps and belts therefor, gas masks and respirators and other safety equipment for use in mines and industrial plants, approved by the Board of Customs ..	ad val.	20%	20%	10%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

D. Electrical Goods and Apparatus

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
381	**Electric motors and generators,** N.E.S., switchboards and accessories therefor, transformers and accessories therefor, condensers, capacitors, converters, oil circuit breakers, voltage and induction regulators, lightning arresters, auto starters and commutators, motor control apparatus, domestic lighting sets	ad val.	20%	20%	10%
382	**Electric Wires and Cables,** (insulated), insulators, electric lamps including bulbs and shades, meters, wiring devices such as switches, sockets, porcelain knobs and tubes; telephone and telegraph instruments, and parts thereof not capable of other use, magnetos and spark plugs	ad val.	30%	30%	20%
383	**Radio receivers and transmitters** and parts thereof not capable of other use	ad val.	30%	30%	30%
384	**Wireless telephone and telegraph apparatus** for use on board ships and material for installing the same	ad val.	10%	10%	10%
385	**Electric batteries** of all kinds, including storage batteries, dry cell batteries (single and multiple cell), flashlight batteries, galvanic batteries, primary and secondary batteries, N.E.S.	ad val.	40%	30%	30%
386	**Electrical appliances,** (including razors and hair trimmers), N.E.S.	ad val.	50%	40%	40%
387	**Electrical appliances** for cooking and heating	ad val.	30%	20%	20%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

D. Electrical Goods and Apparatus—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate	Preferential
388	**Refrigerators**, including gas or electrically operated refrigerators	ad val.	40%	40%	30%
	E. Machinery and Mechanical Apparatus				
401	**Hand and power machinery** and duplicate parts thereof, N.E.S., such as: drilling machines, fan blowers, portable forges, pumps, fire extinguishers, turning lathes, fretsaw machines, scroll saw machines, and dating, ruling, paging and perforating machines, including pens for same, and machinery of a kind not manufactured in Newfoundland, N.E.S., and welding outfits.	ad val.	20%	20%	10%
402	**Office and domestic machinery**, N.E.S., and parts thereof.	ad val.	40%	40%	30%
403a	**Elevators**, steam and hot water boilers for heating purposes, furnaces and radiators, N.E.S.	ad val.	30%	30%	20%
403b	**Machinery** and parts therefor, such as: wood working and saw mill machinery, steam engines and turbines, gas engines, stationary engines (not marine), motor engines, N.E.S., water wheels and turbines, steam and hot water boilers for power purposes, horse power machines, hoisting engines, N.E.S., concrete mixers, rock crushers, cranes and derricks, digging or dredging machines, and grips and buckets therefor ..	ad val.	20%	20%	10%
404	**Railway rolling stock**, locomotives, track machines or speeders,				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	locotenders, railway cars, tram cars, steam or power shovels, power tractors, and parts thereof	ad val.	10%	10%	10%
405	**Power tractors** for agricultural or logging purposes, etc., and parts therefor		Free	Free	Free
406	**Engravers' plates of steel,** polished for engraving thereon; photo engraving machinery, viz.:— router, bevelling and squaring machines, screen-holders, cross line screens, chemicals for use in engraving, wood for blocking, graving tools and process plates ..	ad val.	25%	25%	25%
407	**Stereotypes,** electrotypes and celluloids for almanacs, calendars, illustrated pamphlets, newspapers, advertisements or engravings and all other like work for commercial trade or other purposes, and matrices or copper shells for the same	ad val.	25%	25%	25%
408	**Marine motor engines,** and parts thereof, N.E.S., not for use on land, including propellers and shafts, and other accessories as approved by the Board of Customs	ad val.	10%	10%	Free
409	**Wool carding machines,** weaving looms, wool cards and spinning wheels		Free	Free	Free
410	**Machinery and parts of machinery,** N.E.S.	ad val.	30%	20%	20%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

F. Ships

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
421	**Ships' boats,** skiffs, open or decked, pleasure sail boats of any material, boats or launches and dories when propelled by steam, electricity or any other mechanical power	ad val.	60%	60%	60%
422	**Canoes, dories,** N.E.S., and dory oars	ad val.	40%	40%	40%
423	**Ships** and other vessels, whether sailing or otherwise propelled, other than canoes, ships' boats, skiffs, open or decked, pleasure boats and yachts of any material, boats or launches and dories, and all similar vessels		Free	Free	Free
424	**Brass sail grommets** and rings and galvanized mast screws for ships' rigging. Galvanized block straps, shackles, thimbles, match hooks and becket links for the same, blocks for ships and block sheaves and patent bushings for ships' blocks		Free	Free	Free
	G. Manufactures of Wood and Timber (including Furniture)				
431	**Furniture** and furniture parts of any material, show cases and parts thereof; house frames, fittings and joiners' work, including hardwood veneer, N.E.S., and mosaic wood flooring; coffins and caskets. All manufactures of wood, N.E.S.	ad val.	50%	50%	50%
432	**Hoops for masts;** rushes for coopers' use; excelsior and other materials, N.E.S., for making mattresses or stuffing furniture.	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

G. Manufactures of Wood and Timber (including Furniture)—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	Casks, viz:—				
433	Empty (second hand), 45 gallons and under	each	$0.60	$0.60	$0.60
434	Empty (second hand), over 45 gallons	each	$1.50	$1.50	$1.50
435	Herring barrels	each	$0.45	$0.45	$0.45
436	All other empty casks, N.E.S.	ad val.	65%	65%	65%
437	**Chair cane or reeds of withrod in** an unmanufactured state	ad val.	25%	25%	25%

H. Yarns and Textile Fabrics

(i) Cotton and Manufactures wholly or mainly of Cotton (except Apparel)

441	**Cotton yarn and twist**		Free	Free	Free
442	**Piece goods**, wholly or mainly of cotton, printed or dyed or not, not made up in any manner.	ad val.	25%	20%	15%
443	**Made up or partly made up articles**, except apparel, wholly or mainly of cotton, N.E.S., such as: quilts, sheets, towels and curtains	ad val.	50%	45%	40%

(ii) Wool and Manufactures wholly or mainly of wool (except Apparel)

444	**Woollen and worsted yarn**	ad val.	30%	30%	20%
445	**Piece goods** wholly or mainly of wool not made up in any manner	ad val.	25%	25%	15%
446	**Made up or partly made up articles** except apparel, wholly or mainly of wool, N.E.S., such as: blankets, quilts, carpets, rugs, mats and travelling rugs	ad val.	50%	50%	40%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

H. Yarns and Textile Fabrics.—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	(iii) Other Materials				
447a	**Coir hemp and jute yarn**		Free	Free	Free
447b	**Piece goods** wholly or mainly of hemp or jute, not made up in any manner, N.E.S.	ad val.	25%	25%	15%
448	**Rayon or artificial silk fabrics,** silk fabrics, velvets, velveteens, silk velvet, plush, in the piece and not made up	ad val.	35%	35%	25%
449	**Piece goods** wholly or mainly of linen not made up in any manner, N.E.S.	ad val.	25%	25%	15%
450	**Made up or partly made up articles** except apparel, N.E.S., wholly or mainly of linen, rayon, artificial silk or silk such as: sheets, quilts, bed coverings, towels and curtains	ad val.	50%	50%	40%
451	**Mats and matting** of cocoa fibre, straw, hemp or jute, and all manufactures of fibre, jute or hemp, not enumerated	ad val.	50%	50%	40%
452	**Threads for sewing,** crochet, or knitting, of cotton, rayon, artificial silk, silk or linen or mixtures thereof. Buttons, pins and needles	ad val.	30%	30%	20%
453a	**Hair cloth,** hair and other mattresses, N.E.S.	ad val.	60%	60%	60%
453b	**Pillows,** bolsters and cushions of any material	ad val.	50%	50%	40%
454	**Fabrics** or clothing which have been exported to be dyed, cleaned, altered or made up, when reimported, upon the cost of dyeing, cleaning or other work performed	ad val.	60%	60%	60%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

H. Yarns and Textile Fabrics.—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
455	**Bags or sacks** made up of jute, hemp, linen or cloth	ad val.	30%	30%	20%
456	**Smallwares:** Ribbons, lace, velvet, and velveteen goods, chains, cords, crepes, braids, tapes, embroideries, boot, shoe and stay laces and other smallwares of cotton, wool, linen, silk or artificial silk; elastic, round, flat or garter; elastic and non-elastic webbing; artificial flowers, hair nets and manufactures of hair, N.E.S.	ad val.	50%	50%	40%
	I. Apparel				
460	**Leather clothing**..	ad val.	55%	55%	45%
461	**Oiled clothing** and rubber suits as commonly used by fishermen.	ad val.	20%	20%	20%
462	**Boots**, bootees, shoes and overshoes of rubber, N.E.S.	ad val.	40%	40%	30%
463	**Men's and youths' long rubber boots**		Free	Free	Free
464	**Boots**, shoes and slippers for women and children; such footwear being of leather or imitation leather, and of a value in the country of exportation of $1.00 or more per pair ..	ad val.	40%	35%	30%
465	**Boots**, shoes, slippers, sandals, gaiters and leggings of all materials, N.O.P. and N.E.S..	ad val.	40%	40%	30%
466	**Fur** or imitation fur coats, jackets, capes, muffs, stoles and robes. All manufactures of fur or imitation fur and all garments trimmed or lined with				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

I. Apparel—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	fur or imitation fur, where the value of the fur or imitation fur component is more than 5 per cent. of the aggregate of the values of all the components of the article ..	ad val.	55%	55%	45%
467	Hats, caps, bonnets, and hat, cap and bonnet shapes of any material	ad val.	65%	55%	50%
468	**Readymade clothing** wholly or mainly of material other than wool, for women and girls, viz.: costumes, dresses, coats and skirts	ad val.	40%	35%	30%
469	**Undergarments** of any material not knitted, for men and boys, viz.:—cuffs, collars, pyjamas, shirts, undervests and like garments	ad val.	40%	35%	30%
470	**Clothing of all kinds**, N.E.S. including socks, stockings, sweaters, cardigans and knitted wear, braces, garters, suspenders, handkerchiefs, scarves, ties, belts and corsets. Regalia of societies (including jewels or badges) ..	ad val.	40%	40%	30%
471	**Gloves and mitts** of any materials N.E.S.	ad val.	55%	45%	45%
	J. Chemicals, Drugs, Dyes and Colours				
481a	**Chemical elements**, compounds, mixtures, combinations, preparations, and drugs, whether obtained naturally or artificially, for medicinal and pharmaceutical use, N.E.S., preparations of fish oils and refined fish oils, N.E.S., and essential oils	ad val.	35%	35%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

J. Chemicals, Drugs, Dyes and Colours— Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
481b	**Chemical elements,** compounds, mixtures, combinations and preparations, whether obtained naturally, or artificially, not for medicinal and pharmaceutical use, N.E.S.	ad val.	50%	50%	40%
481c	**Patent and Proprietary Preparations** for medicinal and pharmaceutical use, not containing alcohol	ad val.	50%	50%	40%
481d	**Patent and Proprietary preparations** for medicinal and pharmaceutical use, containing alcohol, and medicated and medicinal wines	ad val.	55%	55%	55%
482	**Anti-toxins,** serums, vaccines and similar preparations. Insulin and liver extracts	ad val.	10%	10%	Free
483	**Dye stuffs,** such as cochineal. Coal tar dyes of all kinds. Indigo and dye woods. Extracts for dyeing, N.E.S.	ad val.	55%	55%	45%
484	**Bark,** extract of bark, cutch, bichromate of potash, logwood, gambier, myrobalans, sumach and valonia and other materials for dyeing and tanning approved by the Board of Customs		Free	Free	Free
485	**Painters' colours and pigments.** Whiting, chalk, lampblack, ivory black, ultra-marine. Putty. Copper paint. Paints, N.E.S. Varnishes, lacquers, japans, japan dryers, oil finish, size, sizing cream, resin sizing, and sizing of all kinds ..	ad val.	55%	55%	45%
486	**Oxygen and Acetylene**	ad val.	50%	50%	40%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

K. Leather and Manufactures thereof, but excluding Boots, Shoes and Gloves

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
490	**Harness leather,** N.E.S.	ad val.	35%	35%	25%
491	**Sole leather,** in the hide or side ..	ad val.	15%	15%	5%
492	**Sole leather,** when in strips, pieces or shaped	ad val.	40%	40%	30%
493	**Glove-grain,** boot-grain, oil-grain, buff, split, imitation goat, polished pebble and waxed calf leather, when bark tanned, and chamois skins	ad val.	35%	35%	25%
494	**Rough, split, undressed leather** ..	ad val.	25%	25%	15%
495	**Morocco leathers,** N.O.P.	ad val.	45%	45%	45%
496	**Leather board,** imitation leather and manufactures thereof, N.E.S.	ad val.	55%	55%	55%
497	**Harness,** including horse boots and saddlery of every description	ad val.	65%	65%	65%
498	**Harness findings,** such as loops, winkers, eyes or blinds, metallic and wood findings for harness making, findings for boots and shoes, viz.: counters pegs and pegwood, boxtoe tips, steel and wooden shanks, lasts, patterns, heelplates and crimp irons, cement, glues, plates, eyelets and boot-hooks, N.E.S.	ad val.	35%	35%	30%
499	**Belting of leather,** or other material for machinery, including laces or fasteners	ad val.	20%	20%	10%
500	**Manufactures of leather,** N.E.S...	ad val.	65%	65%	65%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

L. Earthenware and Glass

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
511	**Drain Pipes,** sewer pipes, chimney linings or vents, chimney tops, and inverted blocks, glazed or unglazed earthenware tiles, stove linings, and like manufactures of clay or cement, and crocks, jars and demijohns of stoneware or earthenware	ad val.	30%	30%	20%
512	**Baths,** tubs, wash-stands, and closets of earthenware, stone, cement, clay or other materials, N.E.S., including fittings for same of any material ..	ad val.	20%	20%	10%
513	**China and porcelain ware,** earthenware and stoneware, crown or coloured and Rockingham ware, white granite or ironstone ware, C.C. or cream coloured ware, brown and cane ware, decorated, printed or sponged, and all earthenware, N.E.S.	ad val.	45%	45%	35%
514	**Common Colourless Window Glass**	ad val.	30%	30%	30%
515	**All other kinds of glass** and glassware, N.E.S., including silvered glass, framed or not framed	ad val.	45%	45%	35%
516	**Bottles,** viz., plain empty glass bottles other than fancy bottles of cut glass or any other special kinds	ad val.	25%	25%	15%
	M. Paper				
521	**Printing paper** and manufactures of paper, N.E.S., transparent cellulose wrapping paper, writing paper, wrapping paper,				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

M. Paper—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	toilet paper, blotting paper, sand, glass, flint and emery papers; emery cloth; millboard; strawboard in sheets or rolls; cardboard; ruled, bordered and coated paper papeteries; paper bags or sacks when not printed upon	ad val.	60%	60%	50%
522	**Tarred Paper**, sheathing paper and all roofing materials, N.E.S..	ad val.	30%	30%	20%
523	**Cigarette papers**	per 60 sheets	$0.01¼	$0.01¼	$0.01¼
524	**Playing cards**	ad val.	60%	60%	50%
525	**Paper hangings and borderings** ..	ad val.	45%	45%	45%
526	**Paper patterns for dressmaking** and similar work		Free	Free	Free
	N. Miscellaneous				
550	**Manufactures** of plastic, N.E.S and N.O.P.	ad val.	50%	50%	50%
551	**Fire arms:—** **Guns**, rifles, including air guns and air rifles (not being toys), muskets, cannons, pistols, revolvers, or other firearms; cartridge cases, cartridge primers, percussion caps, wads or other ammunition, N.E.S., bayonets, swords, fencing foils and masks, gun, pistol or revolver cases; game bags, loading tools and cartridge belts of any material	ad val.	60%	60%	50%
552	**Explosives**, viz.: **Cannon**, musket, rifle, gun and sporting powder, canister pow-				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	der, giant powder, nitro and other explosives and fuses of all kinds, N.E.S.	ad val.	50%	50%	40%
553	**Fireworks** of all kinds, including torpedoes and fire-crackers ..	ad val.	65%	65%	55%
554	**Works of art, viz.:—** **Pictures** in oil or water colours executed by hand. Sculptures; engravings, when produced by art societies	ad val.	15%	15%	15%
555	**Chromos**, chromotypes, artotypes, oleographs, drawings, pictures, engravings or prints and similar works of art. Photographs, N.O.P., picture and photo frames and picture frame mouldings of wood	ad val.	30%	30%	30%
556	**Trunks and valises** of all kinds, hat boxes, carpet bags, tool bags or baskets, satchels, reticules, musical instrument cases, purses, portmanteaus, pocket books, fly-books and parts thereof, and baskets of all kinds	ad val.	65%	65%	55%
557	**Blinds or window shades**, in the piece, or cut and hemmed or mounted on rollers, blind rollers and cornices and poles for the same, of any material ..	ad val.	50%	50%	50%
558	**Dustbane** and other cleansers, washing soda, caustic potash and lye, laundry blue of all kinds	ad val.	50%	50%	50%
559	**Knife-brick**; knife polish, and other compositions for polishing metal; boot and shoe polishes and dressings and furniture polish	ad val.	50%	50%	40%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
560	**Books**, printed and not to be written or drawn upon, N.E.S., official reports; manuscripts; newspapers and monthly, semi-monthly and weekly magazines and supplements; weekly library papers, unbound and Christmas annuals; religious literature and lesson pictures; work books for religious purposes mainly composed of printed text; work books approved by the Department of Education for use in conjunction with prescribed texts ..		Free	Free	Free
561	**Brick**, stock or common	per M.	$5.00	$5.00	$5.00
562	**Brick**, facing or fire	ad val.	40%	40%	40%
563	**Brooms and whisks of corn**	ad val.	65%	65%	65%
564	**Brooms and whisks of fibre and** other material, N.E.S.	ad val.	60%	60%	60%
565	**Broom handles**	ad val.	40%	40%	40%
566a	**Brushes**, N.E.S.	ad val.	65%	65%	65%
566b	**Paint brushes**, N.E.S.	ad val.	25%	25%	15%
567	**Corn**, for the manufacture of brooms and whisks		Free	Free	Free
568	**Manufactures** wholly or partly of rubber, N.E.S.	ad val.	65%	65%	55%
569	**Automobiles or motor cars**, and other similar motor vehicles and tyres for the same	ad val.	30%	30%	20%
570	**Parts and accessories** including jacks, radiator cement, so called, for automobiles or motor				

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	cars or other similar motor vehicles, N.E.S.	ad val.	30%	30%	20%
571	**Bicycles and tricycles**; and tyres, parts and accessories therefor, when incapable of other use	ad val.	30%	30%	20%
572	**Carriages**, express and other wagons, buggies, carts and sleighs, N.E.S.	ad val.	50%	50%	50%
573	**Carriage**, wagon, buggy, hearse or express bodies; purchases, gears, hoods, poles, or seats, made up or partly made up; steel tyres, sleigh runners, N.E.S., steps or step pads	ad val.	50%	50%	50%
574	**Wheelbarrows**, handbarrows, stand carts, trucks, trolleys or samsons	ad val.	50%	50%	50%
575	**Wheels**, readymade or partly made, that is with the spokes in the hub	ad val.	30%	30%	30%
576	**Wheel spokes**, for vehicles and carriages, wooden rims for wheels; carriage shafts; hubs for carriage wheels or blocks to make such hubs	ad val.	30%	30%	30%
577	**Cement**, Portland, Roman, hydraulic, water lime and iron oxide. Fibre and flooring cement ..	ad val.	30%	30%	20%
578	**Plaster of Paris or gypsum**, ground, manufactured or calcined dry. Pipe and modelling clay	ad val.	40%	40%	40%
579	**Plaster casts**, N.E.S., and stucco	ad val.	55%	55%	55%
580	**Cordage of all kinds**, N.E.S.	per lb.	$0.02	$0.02	$0.01

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
581	**Clothes lines**, window cords, and such like when plaited	ad val	65%	65%	65%
582	**Marline** for making lobster pots ..		Free	Free	Free
583	**Oakum**	per lb.	$0.02	$0.02	$0.02
584	**Twines**, for sailmaking, viz.:— hemp, roping and seaming and cotton sail twine, N.E.S.		Free	Free	Free
585	**Twine**, not enumerated	ad val.	60%	60%	60%
586a	**Lines and twines**, for use in connection with the fisheries, not to include sporting tackle ..		Free	Free	Free
586b	**Hammocks**, lawn tennis nets and other articles manufactured of twine, N.E.S.	ad val.	65%	65%	55%
587	**Nets**, netting, trawl-gear, traps and seines for use in sea and salmon fisheries		Free	Free	Free
588	**Canvas**, of hemp, cotton or flax, known as sail or tarpaulin canvas, not including cotton drill		Free	Free	Free
589	**Tarpaulins, tents and awnings** ..	ad val.	40%	40%	30%
590	**Sails for boats and ships**		Free	Free	Free
591	**Manufactures of corkwood**, other than cork stoppers for bottles and jars	ad val	65%	65%	65%
592	**Stoppers**, of all kinds for bottles, jars or other containers. Canvas and glass buoys for fishing nets	ad val.	20%	20%	10%
593	**Diving apparatus**, distress signals and life-saving appliances ..	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
594	**Engine packing and jointings,** N.E.S.	ad val.	45%	45%	45%
595	**Fancy wares,** such as fancy writing desks, fancy cases for jewellery, silverware, plateware, or cutlery. Glove, handkerchief and collar boxes or cases; brush or toilet cases, fancy cases of any material; fans, combs of all kinds, ornaments and statuettes of all materials. Manicure files. Compacts and powder puffs, bead ornaments and papier mache ware	ad val.	65%	65%	55%
596a	**Fishing tackle for sportsmen,** viz.: fishing rods of all kinds, trawls, trawling spoons, lines, hooks, fly hooks, sinkers, swivels, floats, fishing bait, fish nets or landing nets, casts or traces of gut, reels, and other anglers' requisites not enumerated	ad val.	50%	50%	50%
596b	**Appliances,** apparatus, accessories and requisites, N.E.S., for sports, gymnastics and athletics (other than apparel, boots and shoes)	ad val.	50%	50%	40%
597	**Jewellery,** of all kinds, including ornamental hat pins, hair pins, belt or other buckles and similar ornamental articles, N.E.S.	ad val	65%	65%	65%
598	**Matches** of all kinds, (each box containing fifty matches) ...	per gross of boxes	$1.00	$1.00	$0.90
599	**Shoemaker's ink,** harness and leather dressings and harness soap	ad val.	35%	35%	35%

GROUP III.- ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
600	**Roofing slates**	ad val.	30%	30%	30%
601	**Mosaic flooring** of any material, excepting wood; slate mantels and other manufactures of slate, N.E.S.	ad val	65%	65%	65%
602	**Oil cloth**, viz.:—floor, shelf, stair, enamelled and table oil cloth, linoleum, cork matting, or cork carpets	ad val.	55%	55%	45%
603	**Toilet preparations**, N.E.S., including perfumery	ad val.	65%	65%	55%
604	**Tobacco pipes** of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders and cases for same, smokers' sets and cases therefor, and tobacco pouches	ad val	65%	65%	65%
605	**Skins and furs**, dressed but not made up	ad val.	40%	40%	40%
606	**Starch** and preparations having the quality of starch, N.E.S.	ad val.	50%	50%	50%
607a	**Soap**, common or laundry, in bars or cakes	ad val. per lb.	18% $0.02½	18% $0.02½	8% $0.02½
607b	**Soap**, toilet	ad val.	50%	50%	40%
608	**Chips or flakes** of soap and liquid soap	ad val.	55%	55%	45%
609	**Soap powders**	ad val.	55%	55%	45%
610	**Manufactures of marble**, freestone, and granite, N.E.S. ..	ad val.	65%	65%	65%
611	**Billiard tables**, bagatelle boards, cues and balls, cue racks, cue tips and billiard chalk	ad val.	65%	65%	65%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
612	**Candles**	per lb.	$0.05½	$0.05½	$0.05½
613	**Grindstones,** scythe and other sharpening stones	ad val.	40%	40%	30%
614	**Stationery;** printed matter N.E.S.; erasing rubbers of all kinds, sealing wax; mucilage and other liquid gums; inks for writing; pencils, pens, penholders and rulers of all kinds; wire paper clips; dating stamps; picture post cards, Christmas and similar cards; books to be written or drawn upon; blank account books, artists' paints and colours, and other drawing requisites	ad val.	60%	60%	50%
615	**Music,** bound or in sheets; music for pianolas and similar instruments; maps and charts, blueprints and building plans, N.E.S.	ad val.	10%	10%	Free
616	**Advertising matter,** such as pamphlets, catalogues, calendars, price lists, etc., desk and similar pads, chromos, chromotypes or any works having any advertising matter thereon, or attached thereto, N.E.S.	per lb.	$0.18	$0.18	$0.18
617	Provided that on the goods specified in the foregoing item and imported by mail, duties may be paid by Customs Revenue Stamps, at the rates specified in the said item, except that on each separate package weighing not more than one ounce, the duty shall be	each	$0.01	$0.01	$0.01
618	**Advertising show cards** of all materials, metal signs and advertising almanacs	ad val.	60%	60%	60%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
619	**Bank notes**, bonds, bills of exchange, cheques, promissory notes, drafts and all similar work unsigned and cards or other commercial blank forms printed or lithographed, bound or not; paper bags and sacks when printed upon; blotting paper having any advertisement thereon or attached thereto, and other printed matter, N.O.P.	ad val.	65%	65%	65%
620	**Admiralty charts**		Free	Free	Free
621	**Toys**, dolls and games of all kinds, including children's sleds and carriages	ad val.	50%	50%	40%
622	**Umbrellas**, parasols, canes and walking sticks mounted or unmounted and parts therefor ..	ad val.	65%	65%	65%
623	**Whips** of all kinds, including lashes and thongs	ad val.	65%	65%	65%
624	**Horses** and like draft animals ..		Free	Free	Free
625	**Animals**, not enumerated	ad val.	50%	50%	50%
651	**Apparel**, wearing and other personal and household effects, not merchandise, of British subjects dying abroad but domiciled in Newfoundland; books, pictures, family plate and furniture, personal effects and heirlooms left by bequest		Free	Free	Free
652	**Articles**, for the use of His Excellency the Governor		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
653	(a) Goods, when imported for the use of, the naval, military or air forces of His Majesty ...	Free	Free	Free
	(b) Goods consigned directly to officers and men on board vessels of His Majesty's Navy for their personal use and consumption	Free	Free	Free
	(c) Goods for use in the construction, maintenance or operation of bases, installations or works, for naval, military or air forces of His Majesty consigned to or destined for any Department of the Government of Canada, or a contractor therefor, not to include articles of food or clothing or articles for the personal and private use of individuals	Free	Free	Free
	(d) Goods when imported for the use of the naval forces of the Allies of His Majesty in the present war for use or consumption aboard their vessels.	Free	Free	Free
	(e) Goods imported for the purpose of sale to members of the naval, military or air forces of His Majesty at institutions under the control of such forces approved by the Commissioner for Finance, subject to any regulations to be made by the Commissioner for Finance .. .	Free	Free	Free
	(f) Personal belongings or household effects of members of the naval, military or air forces of His Majesty or of their wives and families, provided that such			

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
	goods have been in use by them prior to their first entry into Newfoundland	Free	Free	Free
	(g) Goods imported for the personal use of a member of the naval, military or air forces of His Majesty other than a person who was domiciled in Newfoundland when he became a member of such force and who is stationed in Newfoundland, or of his wife or child when addressed to the individual in care of the Fleet Mail Office in the case of the Navy and in care of the Commanding Officer of the unit in the case of the Army and Air Force, not to include household equipment and furnishings, and provided that such wife or child was not domiciled in Newfoundland prior to September 1st, 1939 ..	Free	Free	Free
654	**Articles,** imported by the Government for Government purposes, not being articles that can be used for seeding purposes	Free	Free	Free
655	**Articles,** for the official use of Consuls	Free	Free	Free
656	**Artificial** limbs and parts for same; artificial eyes, spinal braces; ear telephone sets for use by deaf persons	Free	Free	Free
657	**Bait**	Free	Free	Free
658	**Bags, barrels, boxes, casks** and other containers exported filled with Newfoundland prod-			

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
	ucts, or exported empty and returned filled with foreign products; and articles, the growth, produce and manufacture of Newfoundland, when returned after having been exported; provided that proof of the identity of such article and goods shall be made, and that such articles and goods are returned within one year from the time of exportation, without having been advanced in value or improved in condition by any process of manufacture or other means; provided further, that this item shall not apply to any article or goods upon which an allowance or drawback has been made, the reimportation of which is hereby prohibited, except upon payment of duties equal to the drawback allowed; nor shall this item apply to any article of goods which has paid excise duty ..	Free	Free	Free
659	**Bicycles, anglers' outfits, trouting-gear, firearms, tents and implements of tourists,** when in the custody of tourists and under conditions prescribed by the Commissioner for Finance, to secure the export of such articles, or the payment of the regular rate of duty on the articles when otherwise imported when the articles are sold or left in Newfoundland	Free	Free	Free
660	**Coin or bullion,** including negotiable notes or bonds; postage and revenue stamps	Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
661	**Eggs** of fish and eggs of game birds, when imported for propagation		Free	Free	Free
662	**Samples** of no commercial value		Free	Free	Free
663	**Settlers' effects**, such as wearing apparel, household furniture, books, implements and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, livestock, bicycles, carts and agricultural implements in use by the settler for at least six months before his removal to Newfoundland, but not to include machinery or articles imported for use in any manufacturing establishment or for sale; provided that any dutiable article entered as settlers' effects may not be so entered unless brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Newfoundland		Free	Free	Free
664	**Supplies** for lighthouses, and keepers of lights, maintained by the Dominion of Canada on the coasts of Newfoundland.		Free	Free	Free
665	All goods not enumerated in this Act nor subject to any other rate of duty, nor declared free of duty by this Act, and not being goods the importation whereof is by this Act or any Act prohibited, shall be subject to a duty of	ad val.	65%	65%	65%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.

GROUP I.—FOOD, DRINK AND TOBACCO

C. Other Food and Drink

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1001	**Butter and butter colouring** when imported by manufacturers of butterine or similar compounds for use as an ingredient in such manufacture .. .		Free	Free	Free
M1002	**Chocolate coating, chocolate paste** and chocolate syrups for manufacturing purposes	ad val.	30%	30%	30%
M1003	**Eggs,** dried or in liquid form, when imported by manufacturers for use in their manufactures	per lb.	$0.18	$0.18	$0.18
M1004	**Fruit pulp,** fruit chemically preserved, vegetable pulp and paste, imported by manufacturers for use in manufacturing	ad val.	15%	15%	15%
M1005	**Shelled peanuts for manufacturing purposes**	per lb.	$0.06	$0.06	$0.06
M1006	**Lard, neutral stock, lard oil to be** used in manufactures	ad val.	25%	15%	15%
M1007	**Lard, lard stock;** milk testing substances; milk powder, cocoanut, cottonseed, oleo, olein beef, olive, palm, sesame and other oils; paraffin wax; parchment liners, circles and fasteners, when imported by manufacturers of butterine or oleo-margarine		Free	Free	Free
M1008	**Salt in bulk,** when imported to be used in curing fish		Free	Free	Free
M1009	**Salt,** when imported by butterine manufacturers		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP I.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1010	**Sugar**, N.E.S., when imported by manufacturers of confectionery and used solely for the manufacture of confectionery, subject to orders issued by the Board of Customs	per 100 lbs.	$0.60	$0.60	$0.60
M1011	**Moss and porterine** when imported by brewers. Ale basis when imported by licensed manufacturers	ad val.	45%	45%	35%
	D. Tobacco				
M1013	**Tobacco stems** for manufacturing snuff	per 100 lbs.	$0.80	$0.80	$0.80
M1014	**Tobacco leaf and stems** when imported by licensed manufacturers in bond		Free	Free	Free
M1015	**Tobacco leaf stripped**, when imported by licensed manufacturers in bond		Free	Free	Free
M1016	**Liquorice paste**, liquorice powder, gum arabic, syrup, molasses, olive oil, glycerine, sugar, spices, flavourings, rum, alcohol, tin foil, tin tags, spermaceti and paper for cigarette making, when imported by licensed tobacco manufacturers for the manufacture of tobacco to be placed in the factory in which the goods are to be manufactured and held in bond there solely for manufacturing purposes to be removed only upon the permit of the proper officer of Customs		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED

A. Coal, Coke and Manufactured Fuel

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1017	**Coke,** carbon or graphite electrodes and nipples and carbonising materials when imported by manufacturers for use in their manufactures ..		Free	Free	Free
	B. Ores and Scrap Metal				
M1018	**Copper,** bitumen, naphtha and iron oxide, to be used in the manufacture of copper paint		Free	Free	Free
	C. Wood and Timber				
M1019	**Boards** not grooved or tongued under one inch in thickness imported expressly for manufacturing dories	per M. feet	$4.50	$4.50	$4.50
M1020	**Whitewood,** basswood, ash and hickory, mahogany, walnut, cedar, maple, chestnut, gumwood, not planed or dressed, when imported by wheelwrights, carriage builders, and other manufactures to be manufactured by them	per M. feet	$5.00	$5.00	$5.00
M1021	**Staves,** viz.:—oak and Douglas fir, for the manufacture of oil barrels		Free	Free	Free
M1022	**Heading** for the manufacture of oil barrels		Free	Free	Free
	G. Oils, Seeds, Fats and Gums				
M1023	**Cotton seed oil,** olive oil, vegetable oils and vinegar for preserv-				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.— Contd.

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED—Contd.

G. Oils, Seeds, Fat s and Gums—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
	ing fish or to be used in the manufacture of fish glue . . .		Free	Free	Free
M1024	**Soap stock**, when other than oil, and all ingredients used in the manufacture of soap		Free	Free	Free
M1025	**Ingredients**, used in the manufacture of candles, laundry blue, shoe and stove polish, paying more than 25 per cent., when imported by manufacturers . .	ad val.	30%	30%	30%

I. Materials for Paper Making

M1027	**China clay**, alum and sulphur, when imported by paper makers or other manufacturers, to be used in their manufactures		Free	Free	Free
M1028	**Spools** for winding paper for export		Free	Free	Free

J. Miscellaneous

M1029	**Bones** for manufacturing purposes		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED

A. Iron and Steel and Manufactures thereof

M1030a	**Bevelled** and cut nail strips, and bars of all metals to be used by manufacturers approved by by the Board of Customs in the manufacture of nails . . .		Free	Free	Free
M1030b	**Basic wire rods**, not treated, pickled, limed, or baked, to be used by manufacturers approved by the Board of Customs in the manufacture of nails		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

A. Iron and Steel and Manufactures thereof—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1030c	**Wire rods**, treated in any manner, when imported by manufacturers approved by the Board of Customs to be used in the manufacture of nails	per 100 lbs.	$0.60	$0.60	$0.60
M1030d	**Nail wire** to be used by manufacturers approved by the Board of Customs in the manufacture of nails	per 100 lbs.	$1.00	$1.00	$0.67½

B. Other Metals and Manufactures thereof

M1031a	**Wire** of brass, zinc or steel, screwed, twisted, flattened or corrugated when imported by manufacturers of boots and shoes to be used by them in their manufactures. Wire when imported by broom, brush, or carriage manufacturers to be used by them in their manufactures	ad val.	10%	10%	Free
M1031b	**Enamelled castings** and enamelled sheet iron parts to be used in the manufacture of stoves, furnaces, etc., by manufacturers approved by the Board of Customs	ad val.	20%	20%	20%
M1032	**Aluminium** in blocks, ingots, bars and slabs, zinc, spelter or solder, when imported by manufacturers for the manufacture of hollow-ware and for galvanizing	ad val.	5%	5%	5%
M1033	**Tin in sheets**, solder and lining compounds for the manufacture of cans for food products	ad val.	5%	5%	5%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

B. Other Metals and Manufactures thereof—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1034	**Printing type,** when imported by bona fide printers for use in their business	ad val.	20%	20%	20%
M1035	**Corrugated zinc,** when imported by manufacturers of washing boards and used in the construction of same	ad val.	20%	20%	20%
	C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments				
M1037a	**Nails,** brads, tacks and fasteners of special kinds not manufactured in Newfoundland and to be used by recognized manufacturers in their manufactures	per 100 lbs.	$1.00	1.00	Free
M1037b	**Link fabric,** springs, and wire when imported by manufacturers for the manufacture of mattresses	ad val.	20%	20%	10%
	E. Machinery and Mechanical Apparatus				
M1038	**Machinery** of a kind not manufactured in Newfoundland, (a) to be used solely for drying, cleaning, packing, manufacturing or refining the products of the fishery; such as presses, drying apparatus, grinding, cutting and skinning machines, presses for oil refining, cod liver oil boilers and patent sealers for use by canners; (b) refrigerating machinery;				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	(c) ship machinery such as power winches, windlass and steering gears;				
	(d) parts for all the foregoing	ad val.	10%	10%	Free
M1039	**Tungsten carbide dies** to be used by manufacturers of nails approved by the Board of Customs	ad val.	20%	20%	10%
M1040	**Printing presses**, and parts for same, printers' ink and printers' office furniture; bookbinders' tools and implements; bookbinders' wire and stitching machines, when imported by bona fide printers for use in their business	ad val.	10%	10%	10%
M1041	**Mining machinery** costing at the place of shipment not less than $100 per machine or piece, (and not including repair parts, mountings and accessories), when used solely for prospecting, mining, quarrying, oil-boring, pumping and refining and of a kind not manufactured in Newfoundland, such as (a) rock drills, coal cutters, power-loaders and power-shovels; (b) pumps of all kinds to be used for pumping water or oil from the workings to the surface; (c) cranes, derricks, hoisting engines, and conveying machinery (not including vehicles and locomotives); (d) crushers or other machinery for use in facilitating the refining of coal or ore; (e) special ma-				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	chinery of all kinds to be used in washing, concentrating, reducing and refining coal, ore, and oil, or for the manufacture of brick; (f) prospecting drills of all kinds; miners' diamonds and diamond set bits for diamond drills; (g) oil-boring drills and special machinery for pumping and refining oil; (h) steam engines, internal combustion engines, electric generators, electric motors, air compressors and steam boilers to be used for the operation of any of the above mentioned machinery. Chemicals used in the concentration and flotation of ores.		Free	Free	Free
M1042	**Mining equipment** when used solely for prospecting, mining, quarrying, oil-boring, pumping, and refining, such as: (a) dynamite, detonators, blasting powder, fuses, blasting batteries and battery wire; (b) fire brick to be used in the original construction of ore-reduction and smelting plants but not for power plants; (c) wrought iron or other pipe (3 inches in diameter and over) including fittings; (d) hoisting and haulage cables ¾ inches in diameter and over to be used for lifting and transporting coal or ore from the workings to point of shipment; (e) ventilating equipment	ad val.	10%	10%	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Intermediate	Preferential
M1043	**Machinery** and parts thereof to be used solely in the manufacture of twines, lines, nets, seines, cordage and other fishing gear	Free	Free	Free
M1044	**All special paper and pulp-making machinery** and mechanical apparatus, when the same cannot be manufactured in Newfoundland, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance ...	Free	Free	Free
M1045	**All special machinery** and mechanical apparatus when imported specially for galvanizing and for the manufacture of hollow-ware, when the same cannot be manufactured in Newfoundland, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance	Free	Free	Free
M1046	**Materials** imported by manufacturers for the construction of special machinery and mechanical apparatus shall be subject to the same rate of duty as the article to be manufactured, under rules and regulations to be made by the Commissioner for Finance ...			

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

H. Yarns and Textile Fabrics

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	(i) Cotton				
M1048	**Cloth**, known as glass cloth, mulch paper, when imported by agriculturists for their use alone	ad val.	18%	18%	8%
	(iii) Other Materials				
M1049	**Brin**, known as bread bag brin, when imported by local manufacturers		Free	Free	Free
M1050	**Hemp, jute or linen bags or sacks**, printed or plain, to contain flour ground or milled in Newfoundland		Free	Free	Free
M1051	**Hemp, jute or linen material**, for making bags to contain flour ground or milled in Newfoundland		Free	Free	Free
M1052	**Findings for boots and shoes, etc.**, crayons, tapes and webbing, counters; pegs and peg wood; boxtoe tips and materials; metal or wooden shanks; lasts, patterns, dies and plates; heel and toe plates; crimp irons; eyelets, boot-hooks, zipper fasteners, slides, buttons and buckles of all materials; cement, glue, paste and paste powder, wax, shoe dressings, shoemakers' inks, rivets, solvents, liquid softeners; boot and shoe laces; sand, emery and glass papers and emery cloth, when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	10%	10%	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

J. Chemicals, Drugs, Dyes and Colours

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1053	**Ammonia and calcium chloride** and other chemicals approved by the Board of Customs for refrigerating purposes, boracic acid, acetic acid, and preseratives to be used in the preservation of fish or in the manufacture of fish glue, acids to be used in the process of galvanizing, electroplating, or in the manufacture of nails, when imported by manufacturers approved by the Board of Customs	ad val.	15%	15%	15%
M1054	**Sulphuric acid,** when imported to be used in the manufacture of manures		Free	Free	Free
M1055	**Glue,** asphalt and other adhesives approved by the Board of Customs, to be used as ingredients in the manufacture locally of any product approved by the Board of Customs	ad val.	20%	20%	10%
	K. Leather and Manufactures thereof, etc.				
M1057	**Leather,** unwrought; sole leather, when in strips, pieces or shaped, when imported by manufacturers of boots and shoes for use in their factories ..	ad val.	15%	15%	5%
M1058	**Heels or soles** of rubber, leather substitute, composition or other material, cut or shaped, when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	15%	15%	5%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

K. Leather and Manufactures thereof, etc.—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1059	**Material** of rubber, leather substitute, composition or other material, for soles or inner soling, not cut or shaped, when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	10%	10%	Free
M1060	**Upper** leathers, excepting bark-tanned, N.E.S., and japanned, patent or enamelled leather, including leather substitutes and felt; when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	10%	10%	Free
	L. Earthenware and Glass				
M1061	**Tumblers,** cartons and other containers and covers for same, when imported by bona fide manufacturers of jams and jellies, and bona fide manufacturers of candy for the purpose of enclosing their manufactures; ribbed glass when imported by manufacturers of wash boards	ad val.	15%	15%	15%
	M. Paper				
M1063	**Printing** paper when imported by bona fide printers, for the purpose of being printed upon; and bookbinders' cloth, leather, marble paper and paper board, when imported by bookbinders and printers for use in bookbinding	ad val.	20%	20%	10%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1064	**Rubber bags**, when imported by cold storage companies to be used in the process of freezing fish	ad val.	10%	10%	10%
M1065	**Rubber tyres** for carriages when imported by manufacturers of carriages	ad val.	40%	40%	40%
M1066	**Ornaments**, when imported by confectioners for ornamenting cakes	ad val.	55%	55%	55%
M1067	**Chromos**, chromotypes, artotypes or oleographs, when imported by printers to be used in the manufacture of local calendars, etc.	ad val.	20%	20%	20%
M1068	**Hair**, fibre, split bamboo and split rattan to be used in the manufacture of brooms and brushes	ad val.	25%	25%	25%
M1069a	**Parchment** or wax paper, when imported specially for packing fish or lining tins used in the canning industry in Newfoundland		Free	Free	Free
M1069b	**Cardboard cartons** and other containers, unglazed kraft paper, labels, strapping wire and packing materials as approved by the Board of Customs, to be used by approved cold storage operators in packing frozen fish or blueberries for exportation, under conditions to be prescribed by the Board of Customs		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1070	**Paper**, known as solling paper, and papers, cardboard containers and boxes, to be used by manufacturers in enclosing their manufactures, not including common wrapping paper; tinfoil for use of manufacturers in their manufactures, N.E.S.; lithographed tins and tins of a kind not manufactured in Newfoundland and when imported by manufacturers for enclosing their manufactures; printed and lithographed labels of any material and colour cards, when imported by manufacturers and fish packers for use in their industries, provided that these articles cannot be manufactured in Newfoundland; shooks for use by cold storage companies and mineral and lubricating oils when imported by such companies for use in connection with their machinery; wax paper printed on when imported by manufacturers of confectionery and bakers of soft bread	ad val.	25%	25%	25%
M1071	**Lead sheets**, boxes of steel, wood or of paper and tin in combination, and labels when imported by tea dealers to be used by them in packing tea in small packages	ad val.	12½%	12½%	12½%
M1072	**Shooks**, glue, tins and other coverings and labels to be used in their manufactures when imported by licensed tobacco manufacturers	ad val.	20%	20%	10%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
M1074	**Materials** imported by manufacturers for construction of such machinery as is at present admitted into Newfoundland free of duty. The free importation of such materials to be admitted subject to regulations to be made by the Commissioner for Finance		Free	Free	Free
M1075	**Dyed woollen yarns,** when imported by the proprietors of woollen mills to be used in connection with the manufacture of woollen goods		Free	Free	Free
M1076	**Forest fire fighting appliances,** and parts and accessories, as approved by the Board of Customs		Free	Free	Free
M1077	**Binding,** tailors' chalk, breek laces and eyelets, cotton shoulder pads, fasteners, hooks, eyes and slides, tapes and webbing, wool cuffing and skirting, zipper fasteners, metal slides and metal buckles, imported by wholesale clothing manufacturers	ad val.	15%	15%	5%
	The following described articles when imported by pulp and paper manufacturers to be used solely in their mills in the manufacture of pulp and paper:—				
M1078	**Apron cloth,** rubber deckle straps, screen diaphragms, paper machine press rolls—rubber covered; splicing tissue; manufactures of rubber, brass and				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—Contd.

GROUP III—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Intermediate	Preferential
	copper; manufactures of wood of a kind that cannot be made in the country; Jordan parts and economizer parts; manufactures of marble or granite	ad val.	25%	25%	25%
M1079	**Wrappers,** when imported for the wrapping of paper, when it is exported by paper manufacturers	ad val.	12½%	12½%	12½%
M1080	**Aniline dyes,** silicate of soda and soda ash	ad val.	20%	20%	20%
M1081	**Maple or gumwood logs** for press rolls—rough turned	ad val.	10%	10%	10%
M1082	**Baling wire,** metal core caps and metal strips, to be used in binding goods for export ..		Free	Free	Free
M1083	**Pulp grindstones** and artificial pulpstones	ad val.	15%	15%	15%

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN APPROVED PURPOSES

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED

D. Electrical Goods and Apparatus

S1101	**Galanic batteries** when imported by doctors for use in their profession	ad val.	25%	25%	25%
S1102	**X-ray,** high frequency and quartz lamp apparatus and parts for same, for the use of hospitals and private medical practitioners, and special supplies for same such as: electrodes, dry plates, films, developing and fixing compounds		Free	Free	Free

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN APPROVED PURPOSES—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

J. Chemicals, Drugs, Dyes and Colours

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter-mediate	Prefer-ential
S1103	**Insecticides** and fungicides, dips for cattle and sheep, spraying apparatus and parts thereof, when imported by agriculturists under a certificate from the Department of Natural Resources	ad val.	18%	18%	8%
	N. Miscellaneous				
S1104	**Magic lanterns and slides,** cinematograph apparatus and films, when imported solely for use in churches and schools, as approved by the Board of Customs	ad val.	25%	25%	15%
S1105	**Slate pencils,** chalk crayons, to be used in schools; school writing slates and copy books, headed for school purposes ..	ad val.	20%	20%	20%
S1106	**Animals** and poultry imported solely for breeding purposes for the improvement of stock under a certificate from the Department of Natural Resources		Free	Free	Free
S1107	Articles imported by any Town incorporated under any Act providing for the incorporation or establishment of a Municipality, for the use of the Municipality or Town Council		Free	Free	Free
S1108a	**Articles** imported directly by religious bodies, to be used only in the ritual of their worship and in places used				

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN APPROVED PURPOSES—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
	solely for such purpose including bells, musical instruments, stained or other glass for windows, statuary, paintings, carpets, chandeliers, lamps, clocks, furnaces and other heating apparatus; and building materials when imported solely for the construction of such places of worship	Half the normal rate of duty applying to the articles imported.		
S1108b	**Building materials and clothing** when imported directly by religous denominations for the sole use of their orphanages. Building materials and equipment, N.E.S., (including blackboards and kindergarten requisites) when imported directly by school or college authorities. Building materials and equipment for the Maternity Home when imported directly by the Salvation Army	Half the normal rate of duty applying to the articles imported.		
S1109	**Medicine or used clothing** donated for charitable purposes and consigned to any corporate charitable society or clergyman	Free	Free	Free
S1110	**Equipment,** accoutrements, and musical instruments for Boys' Brigades, Boy Scouts and Girl Guides or the Salvation Army; and arms and ammunition for Vounteer Corps, when such importations are approved by the Board of Customs	Half the normal rate of duty applying to the articles imported.		

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN APPROVED PURPOSES—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
S1111	Globes of all kinds, charts, pictorial illustrations or similar studies, when imported for the use of colleges, schools or library associations; school desks or parts thereof; curios not intended for sale	Half the normal rate of duty applying to the articles imported.		
S1112	Scientific instruments and apparatus, imported directly for use in colleges or schools or by scientific or library associations. Medals and other articles imported directly by schools or associations as prizes, when such articles are approved by the Board of Customs	Half the normal rate of duty applying to the articles imported.		
S1113	Supplies, stores and donations for the Moravian Missionaries on Labrador under rules and regulations as may be made by the Commissioner for Finance ...	Free	Free	Free
S1114	Goods approved by the Board of Customs imported for use in manufacture by blind persons	Free	Free	Free
S1115	Alcohol supplied to hospitals and similar institutions approved by the Board of Customs	Free	Free	Free
S1116	Still Photographs unframed, sent by friends, and not intended for sale	Free	Free	Free
S1117	Rubber Bands and Wooden Plugs, imported specially for use in preparing live lobsters for export, when approved by the Board of Customs	Free	Free	Free

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN APPROVED PURPOSES—Contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED—Contd.

N. Miscellaneous—Contd.

Item No.	Class or Description of Goods	Rates of Duty		
		Full	Intermediate	Preferential
S1118	**Cinematograph** projectors, generators and accessories, as approved by the Board of Customs, imported for educational purposes and not to be used for gain or profit	Free	Free	Free
S1119	**Cinematograph film** of an educational character approved by the Commissioner for Home Affairs and Education and not to be used directly or indirectly for gain or profit ..	Free	Free	Free

SCHEDULE B

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1301	**Paper bags or sacks, labels**, of all kinds, shipping, price or other tags and tickets of all kinds	actually printed upon in Newfoundland.	50%
D1302	**Paper**	Actually printed upon in Newfoundland and exported and upon production of a landing certificate from the foreign port at which it was landed.	40%
D1303	**Ale, porter, Bavarian or botanic beer** manufactured in Newfoundland and upon which the duty imposed has been paid..	exported from Newfoundland subject to regulations made by the Commissioner for Finance.	100% of the Excise duty.
D1304	**Sugar**	used in the manufacture of articles exporte dfrom Newfoundland and upon the production of a landing certificate showing the receipt of the goods at a foreign port .	100%
D1305	**Tin packages**	manufactured in Newfoundland and used by manufacturers for the export of cod liver oil.	100%
D1306	**Casks**, steel drums and other containers as may be approved by the Commissioner for Finance .	used in packing goods for export, on production of proof of exportation.	100%
D1307	**Glass bottles**, labels that cannot be manufactured in Newfoundland and special cartons for enclosing bottles	used by manufacturers for the bottling of cod liver oil for export, and that they have been duly exported.	100%

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1308	**Unbleached calico**	used by manufacturers in the manufacture of oil clothes.	100%
D1309	**Linseed oil**	used by manufacturers in the manufacture of oil clothes.	33 1/3%
D1310	**Coal or fuel oil**	supplied to ships of war.	100%
D1311	**Coal**	imported into the port of St. John's and transferred to Carbonear, Harbour Grace, Heart's Content, Placentia, or Bell Island.	the difference between the duty chargeable at the port of St. John's and the duty chargeable at the port to which transferred.
D1312a	**Coal**	imported or brought into the port of Carbonear, Harbour Grace, Heart's Content, Placentia or Bell Island and transferred to any other outport.	the difference between the duty chargeable at the port of importation and the duty chargeable at the outport.
D1312b	**Coal**	imported into the port of St. John's and transferred out of the Electoral Districts of St. John's East and West to any outport other than those mentioned in Item D1311.	the difference between the duty chargeable at the port of St. John's and the duty chargeable at the outport.

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1313	**Coal**	imported into the port of St. John's for the manufacture of gas by public gas companies.	$0.35 per ton.
D1314a	**Coal**	Supplied to vessels entering the port of St. John's for the purpose only of obtaining bunker coal, food, or supplies, and not bringing cargo or passengers to be landed in Newfoundland, and not taking from Newfoundland any cargo or passengers which such vessels did not bring into Newfoundland; and not being vessels deemed by the Commissioner for Finance to be sealing vessels.	100%
D1314b	**Fuel Oil**	Supplied to vessels entering the ports of St. John's, Argentia, Lewisporte, Curling, and Port aux Basques, or any other port approved by the Commissioner for Finance, for the purpose only of obtaining fuel oil, food, or supplies, and not bringing cargo or passengers to be landed in Newfoundland, and not taking from Newfoundland any cargo or passengers which such vessels did not bring into Newfoundland; and not being vessels deemed by the Commissioner for Finance to be sealing vessels.	100%

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1315	**Ingredients** used in the manufacture of paints or printers' inks	used by manufacturers in the manufacture of paints or printers' inks.	33 1/3%
D1316	**All ingredients** (except sugar) used by bona fide manufacturers in the manufacture of confectionery	used by manufacturers in the manufacture of confectionery.	50%
D1317	**All ingredients** used by bona fide manufacturers in the manufacture of jams, jellies and pickles	used by manufacturers in the manufacture of jams, jellies and pickles.	80%
D1318	**Castor oil** and disinfectants	imported in barrels by manufacturers and put up in retail bottles or containers.	10%
D1319	**Acetic acid** 80 per cent. strength for making vinegar	imported by manufacturers and used in making vinegar.	10%
D1320	**Spices** and whole peppers	imported in bulk by manufacturers and ground and put up in retail quantities.	25%

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1321	**Iron and steel**, iron and steel plates, machinery, composition paint for ships' bottoms which is not manufactured in Newfoundland and any other material used in the repair of ships. Coal and fuel oil supplied to any repaired ship upon her departure after repair	used by contractors or repairers of any ship entering any port in Newfoundland for repairs. Such refund on materials shall be made only on the certificate of the Master of the repaired ship when it is countersigned by Lloyd's Surveyor or other duly authorized Surveyor who passes the said ship after repairs have been effected and such refund on fuel shall be made on the certificate of the supplier, countersigned by the Master and Chief Engineer of the ship so supplied.	100% not to include stamps or fees.
D1322	**Hardwood**, timber, spars in the raw state, wire rigging, machinery for windlasses, patent wheel gear, iron pumps, chains, anchors, iron and copper for fastening, metal sheathing for bottoms of vessels, motor engines for hoisting, motor engines for propulsion, shafts and propellors ..	imported and used for the building or equipment of vessels in respect of which bounty shall be payable under the law in relation to ship building, upon evidence satisfactory to the Board of Customs that the same have been used or installed in such vessels.	100%
D1323	**Materials imported and used in the manufacture of boots and shoes with the exception of leathers of the kind or nature of those manufactured in Newfoundland, viz:—**	imported by wholesale manufacturers of boots and shoes and used in the manufacture of boots and shoes.	

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
	(1) sole leather in the hide or side.		On such goods liable to duty at the preferential rate—80%. On such goods liable to duty at the intermediate rate or the full rate—50%
	(2) all upper leather, N.E.S., and leather substitutes.		On such goods liable to duty at the preferential rate—80%. On such goods liable to duty at the intermediate rate or the full rate—50%
	(3) all other materials.		80%
D1324	Materials used in the manufacture of marline.	used by wholesale manufacturers of marline for use in lobster pots.	100%
D1325	Imported materials used in the manufacture of hemp, roping, and seaming and cotton sail twine.	used in the manufacture of such goods for sail making.	100%

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1326	**Imported materials** used in the manufacture of nets, netting, trawlgear, traps and seines for use in sea and salmon fisheries	used in the manufacture of such goods.	100%
D1327	**Alcohol**, N.O.P., (Item No. 105)	used in manufacture by approved manufacturers.	Duty paid in excess of rate chargeable on similar manufactured articles imported.
D1328	**Unglazed kraft paper**, parchment paper, transparent cellulose wrapping paper, labels and strapping wire, excelsior packing: showcards and advertising matter	used in packing fish, or blueberries for export.	100%
D1329	**Fuel oil**	exported as merchandise.	100%
D1330	**Gasolene and motor spirit** N.E.S.	imported or brought into and duty paid at the ports and rates of duty specified in Tariff Item No. 225 and removed as merchandise to other parts of the country; subject to regulations made by the Board of Customs.	2 cents per gallon to the importer of the goods.
D1331	**Hoisting engines**, hoisting machinery, pumps and hose for cleaning fish. ..	used in the equipment of vessels engaged in the fishery or at fish curing stations.	100%

SCHEDULE B—Contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—Contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1332	**Supplies**, stores and donations imported by the International Grenfell Association	on delivery of the goods for the use of the International Grenfell Assaciation and on production of proof to the satisfaction of the Board of Customs that the goods are to be used solely for the purposes of the International Grenfell Association.	100%

SCHEDULE C.—EXCISE DUTIES

Item No.	Class or Description of Goods		Rate
E1401a	**Ale,** porter, Bavarian beer, botanic beer, and all other small and dextrinous liquors containing three per cent. or more of alcohol by volume	per 100 gals.	$34.00
E1401b	**Ale, porter,** Bavarian beer, botanic beer, hop beer and all other similar beverages (except spruce beer) sold under the description of beer or possessing the characteristics of beer, containing less than three per cent. or more of alcohol by volume	per 100 gals.	$10.00
E1402	**Oleo-margarine, butterine** or similar compounds	per 100 lbs.	$4.40
E1403	**Oleo-margarine, butterine** or similar compounds when put up in metal containers	per 100 lbs.	$7.40
E1404	**Compound lard** and similar substances .	per 100 lbs.	$2.20
E1405a	**Tobacco,** plug, firm pressed	per lb.	$0.42
E1405b	**Tobacco,** N.E.S.	per lb.	$0.76
E1406	**Cigarettes,** weighing not more than 2½ lbs., per thousand	per M.	$6.25
E1407	**Cigarettes,** weighing more than 2½ lbs. per thousand	per M.	$8.50
E1408	**Cigars**	per lb.	$1.50
E1409	**Cream** manufactured in an approved butterine factory from materials imported free of duty approved by the Board of Customs	per lb.	$0.01
E1410	Goods enumerated in any of the items in this Schedule C when delivered from a bonded warehouse—		
	(a) to the naval, military or air forces of His Majesty for the use of such forces; or		Free

SCHEDULE C.—EXCISE DUTIES—Contd.

Item No.	Class or Description of Goods	Rate
	(b) to officers and men on board vessels of His Majesty's Navy for their personal use and consumption; or ..	Free
	(c) to the naval forces of His Majesty's allies in the present war for use or consumption on board their vessels; or	Free
	(d) to naval, military or air forces of His Majesty or to bodies supplying such forces for sale to members of such forces at institutions under the control of such forces and approved by the Commissioner for Finance, subject to any regulations to be made by the Commissioner for Finance	Free

Item No.

SCHEDULE D.—PROHIBITED GOODS

P1501 **Books,** printed papers, drawings, paintings, prints, photographs, cinematograph films, statues, models, or representations, articles, goods or objects of any kind of a treasonable, seditious, immoral or indecent character.

P1502 **Coin,** base or counterfeit.

P1503 **Goods** manufactured or produced wholly or in part by prison labour, or which have been made within or in connection with any prison, gaol or penitentiary.

P1504 **Reprints** of Newfoundland copyright works and reprints of British copyright works, which have been copyrighted in Newfoundland.

P1505 **Tea,** adulterated with spurious leaf or with exhausted leaves, or containing so great an admixture of chemical or other deleterious substances as to make it unfit for use.

P1506 **Salt,** known as fishing salt, which has been used in vessels or elsewhere in the curing or making of fish, prior to its importation into Newfoundland.

P1507 **Used** clothing of all kinds when imported for sale.

P1508 **Malt extracts,** hop extracts, malt and hop extracts, and all preparations whether of the foregoing kinds or not, capable of being used in the preparation of beer, spirits, wines, or any other beverages containing alcohol except to manufacturers approved by the Board of Customs: Provided that this prohibition shall apply only to such goods as the Board of Customs may specify by order under their hand.

P1509 **Eggs** not marked in conformity with Section 6 of the Act No. 1 of 1939 entitled "An Act to Provide for the Grading and Marking of Fishery and Agricultural Produce."

SCHEDULE E.—EXPORT TAX

Fish, viz.:—

Cod, haddock, hake, ling, salted or dried or otherwise preserved, exported from Newfoundland..... per quintal—$0.02

SCHEDULE F

Enactments Repealed

Number and Year	Title or Short Title	Extent of Repeal
1. Act No. 51 of 1938.	The Revenue Act, 1939.	The Whole Act.
2. Act No. 7 of 1939.	An Act to amend the Revenue Act, 1939.	The Whole Act.
3. Act No. 17 of 1939	An Act further to amend the Revenue Act, 1939.	The Whole Act.
4. Act No. 26 of 1939.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
5. Act No. 48 of 1939.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
6. Act No. 8 of 1940.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
7. Act No. 26 of 1940.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
8 Act No. 28 of 1941.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
9. Act No. 30 of 1942.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
10. Act No. 25 of 1944.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
11. Act No. 29 of 1944.	An Act further to amend the Revenue Act, 1939.	The Whole Act.
12. Act No. 24 of 1945.	An Act further to amend the Revenue Act, 1939.	The Whole Act.

AN ACT TO AMEND THE AVALON TELEPHONE COMPANY ACT, 1943.

[20th June, 1946]

SECTION 1.—Amdt. Sec. 1.

SECTION 2.—Amdt. Sec. 2.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946

Amdt Sec. 1.

1. Paragraph (a) of Section 1 of the Avalon Telephone Company Act, 1943 (No. 50 of 1943) is hereby amended by adding at the end of the said paragraph immediately after the words "Port au Port" the words "and all of the lands within twenty-five miles in every direction from the station of the Newfoundland Railway in the town or settlement of Port aux Basques."

Amdt. Sec. 2.

2. Paragraph (b) of Section 2 of the said Act is hereby amended by striking out the word "exchange" and substituting therefor the word "exchanges".

AN ACT IN RELATION TO A CONTRACT FOR THE CARRIAGE OF PASSENGERS MAIL AND FREIGHT UPON CONCEPTION BAY.

[20th June, 1946]

SECTION
1.—Power to make agreement with Bell Island Steamship Company, Limited.
2.—Short title.
Schedule

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Power to make agreement with Bell Island Steamship Company, Limited.

1. It shall be lawful for His Excellency the Governor in Commission at any time within twelve months from the date of the passing of this Act to enter into an agreement with The Bell Island Steamship Company, Limited, in the terms of the Schedule hereto; and upon the execution and delivery of such agreement the several clauses, provisions and conditions thereof shall be valid and binding upon the parties thereto and each of them respectively.

Short title.

2. This Act may be cited as the Conception Bay (Passengers and Mail Contract) Act, 1946.

SCHEDULE

Schedule

AGREEMENT made at St. John's in the Island of Newfoundland this day of A.D., 1946, BETWEEN His Excellency Sir Gordon Macdonald, K.C.M.G., Governor of the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part AND The Bell Island Steamship Company, Limited, (hereinafter called "the Contractors") of the other part.

WHEREAS on the 10th day of December A.D. 1945, an Agreement was entered into between His Excellency the Governor of Newfoundland in Commission and The Bell Island Steamship Company, Limited, for the carriage of passengers, mail and freight upon Conception Bay;

AND WHEREAS it is desirable to enter into a new agreement in respect thereof:

AND WHEREAS the said Agreement has been terminated under the provisions of Clause 2 thereof;

NOW, THEREFORE, THESE PRESENTS WITNESS AS FOLLOWS:

1. In consideration of the payments to be made to the Contractors by the Government under the provisions of Clause 13 of this Agreement the Contractors will provide

a steamer or motor vessel classed A1 at Lloyd's and conforming with the specifications set forth in Schedule A hereto (such steamer or vessel being hereinafter referred to as "the ship"), and during the continuance of this Agreement will operate the ship for the carriage of passengers, mail and freight upon Conception Bay in accordance with the provisions of this Agreement and the Schedule of ship's movements set forth in Schedule B hereto: Provided that it shall be lawful for the Commissioner for Public Utilities by agreement in writing with the Contractors from time to time to vary the terms of the said Schedule B herein referred to.

2. This Agreement shall continue for one year commencing on the 1st day of April, A.D. 1946.

3. The Contractors shall at all times during the continuance of this Agreement keep the ship in Class A1 at Lloyd's and in conformity with the specifications set forth in Schedule A hereto and properly manned and equipped in every respect in accordance with all laws and regulations which may from time to time be applicable. The Commissioner for Public Utilities may from time to time during the continuance of this Agreement cause the ship to be surveyed and inspected by such person or persons as he may appoint for that purpose and in case the ship shall fail to conform with the provisions of this Agreement and the specifications set forth in Schedule A hereto or there shall be any deficiency or default or anything wanting in the said ship or in her equipment, then upon notice in writing thereof to the Contractors by the said Commissioner the Contractors shall immediately bring the ship into conformity with such provisions and specifications or make good and supply the deficiency, default, defect or thing wanting, and in case of refusal or neglect by the Contractors to comply with the said notice, the Government may without prejudice to its rights under

Clause 15 of this Agreement, suspend payment of the monthly instalments provided by Clause 13 of this Agreement until the failure, deficiency, default, defect or thing wanting is remedied and all monthly instalments, the payment of which is suspended under the provisions of this clause, shall be deemed to be forfeited to the Government.

4. If the ship shall be withdrawn from the service by this Agreement to be performed by the Contractors for repair or renovation, the Contractors shall, while such repair or renovation is being effected or performed, make every effort to the satisfaction of the Commissioner to provide and substitute another ship for the performance of the said service: Provided that such substituted ship shall first have received the approval of the Commissioner for Public Utilities who may at any time withdraw such approval and require that the ship provided under this Agreement be returned to the said service or that every effort to the satisfaction of the Commissioner be made by the Contractor to place some ship which shall first have received the like approval other than the said substituted ship in the said service pending the completion of such repair or renovation and provided further that on completion of such repair or renovation the ship shall be returned to the said service.

5. If the ship shall be lost or shall for any reason other than for repair or renovation be withdrawn from the service by this Agreement to be performed by the Contractors, this Agreement shall terminate unless the Contractors shall immediately provide and substitute another ship for the performance of the said service: Provided that such substituted ship shall first have received the approval of the Commissioner for Public Utilities who may at any time by notice in writing withdraw such approval and require the Contractors within such time as may be specified by such notice to provide a ship conforming

with the provisions of this Agreement and the specifications set forth in Schedule A hereto and if the Contractors shall fail to provide such ship within the specified time this Agreement shall terminate.

6. All due care and diligence shall be used and all necessary appliances provided on board the ship for the comfort and convenience of passengers, and for the preservation of good order and discipline, and for the prevention of all illicit trading on the part of any member of the ship's company.

7. The ship shall, subject to her capacity, carry all mails, mail bags and mail packages of every description delivered to the purser of the ship, or such other official as shall be acting as purser for the time being, from a suitable wharf at Bell Island to the public wharf at Portugal Cove and from the public wharf at Portugal Cove to a suitable wharf at Bell Island and immediately upon arrival at each of such wharves all such mails, mail bags and mail packages shall be delivered to a duly authorized official of the Department of Posts and Telegraphs: Provided that in the event of weather conditions or other causes beyond the control of the Contractors preventing the delivery of such mails, mail bags and mail packages at either of the above respective places, then the Secretary for Posts and Telegraphs may direct the Contractors to deliver and receive such mails, mail bags and mail packages at such other port in Conception Bay as may under the circumstances be convenient and the Contractors are hereby bound to follow his directions and to execute his orders in this respect.

8. All mails, mail bags and mail packages shall, from the time of receipt on board the ship until delivery in accordance with the provisions of Clause 7 of this Agreement, be kept in a special compartment of the ship and such compartment shall be kept locked or otherwise

securely fastened during the whole of each trip and no other goods of any kind shall be kept or stored in the said compartment which shall be easy of access from the deck in the event of wreck of the ship and the Contractors hereby undertake that they will safely deliver in good condition all mails, mail bags and mail packages carried under this Agreement unless the ship shall become a total loss or the mails, mail bags and mail packages or any part thereof shall be lost or damaged as a result of any circumstances beyond the control of the Contractors.

9. The said ship shall remain at each port of call not less than half an hour, except where otherwise provided in Schedule B hereto.

10. The Contractors shall not make any charge for the conveyance of mails, mail bags and mail packages beyond the payment provided to be made to them in Clause 13 of this Agreement, nor shall they charge for the conveyance of motor cars or passengers over the routes mentioned in Schedule C hereto any greater sum than the rates specified in the said Schedule C.

11. Should the ship fail to call at any one or more ports of call in accordance with the schedule of ship's movements set forth in Schedule B hereto or to remain at any port for the time by this Agreement or by Schedule B hereto provided unless prevented by causes over which the Contractors have no control, then and in such case a deduction of twenty dollars for every occasion on which the ship fails to call or remain for the time so provided at any such port may be made from the amount which would otherwise have become payable for the month under Clause 13 of this Agreement, and the question as to whether or not such deduction shall be made, if disputed, shall be ascertained and determined by arbitrators as hereinafter provided.

12. The Contractors shall not discriminate against any person or persons in relation to the rates of freight or passage or offer to pay any public or private rebate or allowance to any person or persons in respect of the same, but shall carry all passengers and freight at uniform rates, which shall be subject to the approval of the Governor in Commission: Provided that the Contractors shall have the right to issue free passes to such extent as is usual on the part of railway or steamship companies. A schedule of passenger and freight rates shall be advertised by the Contractors not less than once during the period of this contract in one or more newspapers published in St. John's and Bell Island and any change in the same shall be subject to the approval of the Governor in Commission and shall be so advertised in such newspaper or newspapers before being put into force and the schedule of rates and all changes thereof shall be kept posted up in a public place on board the said ship. In no case shall preference be given to the freight of any shipper to be carried on the said ship.

13. In consideration of the due performance of the terms and conditions herein set forth the Government will pay to the Contractors during the continuance of this Agreement the sum of nine thousand dollars payable in twelve monthly instalments of seven hundred and fifty dollars each.

14. The Contractors shall not assign, underlet or dispose of this Agreement or any part thereof without the consent of the Government.

15. In the event of:

(a) any breach by the Contractors of Clause 14;

(b) failure by the Contractors to provide the ship on the date specified in Clause 1;

(c) any repeated or habitual breach of the provision for operation of the ship by the Contractors contained in Clause 1;

(d) any breach by the Contractors, continuing for more than one month, of Clause 3;

(e) any failure by the Contractors for more than one month to comply with Clause 4;

(f) any repeated or habitual breach by the Contractors of Clauses 6, 7, 8, 9, 10, 11, or 12;

the Government may declare this Agreement terminated, without prejudice to the rights of either party theretofore accrued.

16. Any dispute arising between the parties hereto shall be referred to three arbitrators, of whom one shall be appointed by the Commissioner for Public Utilities and one shall be appointed by the Contractors: Provided that if the Contractors shall fail to nominate an arbitrator within seven days of notice in writing from the Commissioner for Public Utilities so to do, then the said Commissioner shall appoint an arbitrator on behalf of the Contractors. The third arbitrator shall be appointed by the two arbitrators appointed in accordance with the foregoing provisions of this clause: Provided that if the two said arbitrators shall be unable to agree upon a third, either party may apply to a Judge of the Supreme Court in Chambers, who may appoint such third arbitrator. The provisions of the Judicature Act relating to arbitration shall apply to any arbitration hereunder.

17. The Contractors shall hereby be held and firmly bound unto the Government in the penal sum of One thousand dollars for the due and faithful performance of

this Agreement and all the provisions, conditions and stipulations herein contained on their part to be performed and kept.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of the Island of Newfoundland to be set hereunto and has signed these presents and The Bell Island Steamship Company, Limited, has executed these presents the day and year first before written.

By His Excellency's Command,

Commissioner for Home Affairs and Education.

WITNESS:

SCHEDULE A

Specifications of the Ship to be provided under this Agreement.

1. SIZE AND SPEED OF SHIP.

Length, about 126 feet.
Breadth, about 23 feet.
Draft, about 8 ft. 6 in. aft.
Nett tonnage, about 120 tons.
Speed not less than ten knots.

2. EQUIPMENT AND ACCOMMODATION OF SHIP

One hatch with loading appliances suitable for the taking on and discharging of motor cars and trucks.

Flush deck with iron stanchions and rails; rails to be of protected type.

Mechanically operated windlass and not less than two patent anchors.

Motor Engine, "Fairbanks Morse" or other approved type, 250 indicated horsepower, latest type engine, five cylinders, built to Lloyd's highest specifications; or steam machinery of equivalent power at the option of the Contractor.

Tanks for drinking water.

Bunkers to hold about 3,000 gallons fuel oil or, in case of steam, an adequate supply of coal.

Electric lights to be fitted throughout ship.

Accommodation for ship's crew forward.

Ladies' cabin on deck, general cabin or lower saloon below deck, upper saloon or lounge on after deck.

Lavatories for males and females.

Galley and mess room on deck.

Captain's room, chart room and wheelhouse room on top deck.

Deck space 34 feet long for motor cars, forward of the centre of ship, if possible, capable of carrying five cars.

Ship to be built specially strong and reinforced and sheathed for ice conditions; bow to be specially reinforced.

Ship to be steam heated in all departments.

Ship to be equipped with large and convenient boats for landing passengers at ports where ship cannot come alongside and to be provided with fore and aft accommodation ladders for passengers to enter and leave boats. Wharf gangways to be provided and kept on wharf at Portugal Cove and Bell Island beach wharf.

Lifeboats and dories to be carried sufficient to accommodate all passengers and crew.

A supply of life-belts of approved pattern sufficient for all passengers and crew to be carried in proper and accessible places.

Mail room to be provided on deck.

Sick bay for stretcher cases proceeding to or from hospital to be provided.

All anchors, chains, wire rope and other gear to be according to Lloyd's specifications.

Ship to be provided with all necessary and usual safety appliances for the safety of passengers and crew.

Searchlight to be installed on the ship.

SCHEDULE B

Schedule of Ship's Movements Under This Agreement

1. The following schedule to be carried out between Portugal Cove and Bell Island daily from Monday to Saturday, both inclusive in each week:

(a) May 1st to December 31st:—

Leave Bell Island 8.30 a.m. with mail for Portugal Cove; leave Portugal Cove for Bell Island not later than 9.30 a.m.; leave Bell Island for Portugal Cove 1.15 p.m.; leave Portugal Cove for Bell Island with mail 1.45 p.m.; leave Bell Island for Portugal Cove 2.30 p.m.; leave Portugal Cove for Bell Island 4.30 p.m.; Cattle or bulky freight shall not be carried on the regular passenger trips, but shall be carried on special trips at the discretion of the master of the ship.

(b) April 1st to April 30th and from January 1st to March 31st:—

Leave Bell Island 8.30 a.m. daily with mail for Portugal Cove; leave Portugal Cove for Bell Island not later than 9.30 a.m.; leave Bell Island for Portugal Cove 2.00 p.m.; leave Portugal Cove with mail 3.00 p.m. unless weather conditions prevent the ship making this schedule, or unless mail is delayed.

2. The following schedule to be carried out each Sunday from June 1st to September 30th:—

Leave Bell Island 9.30 a.m. for Portugal Cove; leave Portugal Cove 10.00 a.m. for Bell Island; leave Bell Island 1.00 p.m. for Portugal Cove; leave Portugal Cove 2.30 p.m. for Bell Island; leave Bell

Island 3.00 p.m. for any port or ports in Conception Bay selected by the Contractors; leave Bell Island 8.00 p.m. for Portugal Cove; leave Portugal Cove 8.30 p.m. for Bell Island. A special trip may be made on Sunday evenings after the last regular trip for the convenience of the public.

3. The following schedule to be carried out each Sunday from October 1st to May 31st:

> Leave Bell Island 9.00 a.m. for Portugal Cove; leave Portugal Cove 9.30 a.m. for Bell Island; leave Bell Island 2.00 p.m. for Portugal Cove; leave Portugal Cove 2.30 p.m. for Bell Island.

4. The ship shall be available for trips to Conception Bay ports on Wednesday or Saturday evenings if business conditions warrant such trips.

5. The ship shall, unless impracticable so to do, return to Bell Island each night and dock there.

6. The above schedule shall be subject to weather and ice conditions and other causes beyond the control of the Contractors actually preventing its being carried out.

SCHEDULE C

Certain Maximum Rates to be Charged

1. The rate per passenger (with hand baggage) from Bell Island to Portugal Cove or Portugal Cove to Bell Island shall not exceed 50c.

2. Motor cars to be carried between Portugal Cove and Bell Island at rates not exceeding the following:

(a) Car and driver $1.50 one way.

(b) Car and driver $3.00 for return trip same day.

(c) Other persons than the driver conveyed with cars shall pay regular passenger rates.

3. The rate per passenger with hand luggage from Portugal Cove to Bay Ports shall not exceed $1.50.

4. The rate per passenger with hand luggage from Bell Island to Bay Ports shall not exceed the following:

(a) One way fare $1.00.

(b) On Saturday evening trip return ticket may be purchased for $1.00 provided return is made on following day.

(c) On intermediate trips during week return ticket may be purchased at $1.50, provided return is made on return trip of the ship.

5. The rate per passenger between intermediate ports exclusive of Bell Island and Portugal Cove shall not exceed 50c.

6. The above Schedule is subject to the condition that sufficient space is available to accommodate all passengers and cars offering at any particular time or place.

7. The term "Bay Ports" in this Schedule shall mean Harbour Main, Conception Harbour, Harbour Grace and Carbonear.

AN ACT TO INCORPORATE THE TOWN OF LEWISPORTE.

[29th June, 1946]

SECTION

1.—Name of Town.
2.—Boundaries of Town.
3.—Town Council constituted.
4.—Qualifications of councillors.
5.—(1) Appointment of first Council.
(2) Term of office.
(3) Vacancies.
6.—(1) Appointment and election of members of second Council.
(2) Retirement of three members after four years.
(3) Re-appointment of four members for two years.
(4) Vacancies.
(5) Publication of appointments.
(6) Election of councillors to replace those retiring.
(7) Term of office of elected councillors.
7.—Election of councillors and subsequent term of office thereof.
8.—Bye-elections.
9.—Retiring councillors eligible for re-appointment or re-election.
10.—Qualifications of voters.
11.—(1) Regulations for holding of elections.
(2) Costs of elections.
12.—Appointment of chairman and vice-chairman.

SECTION

13.—Vacation of office by councillors.
14.—Duties of chairman and vice-chairman.
15.—Quorum and voting.
16.—Council to regulate its proceedings.
17.—Financial year of Council.
18.—(1) Town Fund.
(2) Bank account.
19.—Yearly budget to be submitted.
20.—Revised budget may be submitted during financial year.
21.—(1) Budget to be approved.
(2) Approval withdrawn when budget revised.
22.—Council's expenditure limited to budget.
23.—(1) Records, accounts and report.
(2) Report to include financial statements.
(3) Signing of account and auditor's certificate.
(4) Publication of account and auditor's certificate and report.
24.—(1) Appointment of auditors.
(2) Powers of auditors.
(3) Auditor's interim report.
(4) Auditors' report on yearly account.

SECTION

25.—Appointment of officers and servants.
26.—Meetings to be public ordinarily.
27.—Bi-monthly meetings to be held.
28.—Special meetings.
29.—Control of building, sanitation and water supply.
30.—Penalty.
31.—Removal of building, etc., erected otherwise than under permit.
32.—Discovery and removal of nuisances.
33.—Destruction of burnt, dilapidated or dangerous buildings.
34.—Roads, streets and bridges.
35.—Breaking of streets, erection of scaffolding, etc.
36.—(1) Establishment and maintenance of drains, sewers and water supply pipes.
(2) Expropriation of drains and sewers.
37.—Right to enter and survey.
38.—Right to enter and construct sewers, etc.
39.—(1) Power of Council to acquire and hold lands, etc., and to establish water supply system.

SECTION

(2) Diversion of water courses.
40.—Regulations.
41.—Stock tax.
42.—Business tax.
43.—Amount of tax; hearing by Council of person aggrieved.
44.—Entertainment tax.
45.—Sundry taxes.
46.—Penalty for operating without payment of tax or licence fee.
47.—Taxes to be settled annually.
48.—Prohibition of exemption or remission from taxes save with approval of Governor in Commission.
49.—Interest on taxes in arrears.
50.—Publication of taxes; consent or approval of Governor in Commission thereto.
51.—Contracts.
52.—Actions, notice of.
53.—Power to borrow.
54.—Powers of expenditure.
55.—Investigations.
56.—Governor in Commission may depute powers to Commissioner.
57.—Supplying electricity within the Town.
58.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Name of Town.

1. The town or settlement (in this Act hereinafter called "the Town") situated within the boundaries hereinafter defined shall be named Lewisporte.

Boundaries of Town.

2. The boundaries of the Town shall be as follows: Commencing on the shore at Wigwam Point at the western entrance to Burnt Bay in the District of Grand Falls; thence running South sixty degrees West three and one-half miles; thence South three and one-half miles; thence East two miles; thence North thirty degrees East six miles; thence West one and one-quarter miles to a point forming the southern entrance to Emily Cove; thence crossing Burnt Bay to the place of commencement at Wigwam Point. All bearings are True.

Town Council constituted.

3. There shall be a Town Council for the control and management of the Town consisting of seven persons which shall be a corporation having perpetual succession and a common seal and which shall be capable of suing and being sued in the name of the Town of Lewisporte.

Qualifications of councillors.

4. Any person shall be qualified to be appointed or elected as a councillor who:—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year immediately preceding appointment or the date set for the election as the case may be; and

(c) is liable to taxation under this Act; and

(d) is not indebted to the Council for any arrears of taxes; and

(e) is not disqualified by mental incapacity.

Appointment of first Council.

5.—(1) The first Council shall be appointed by the Governor in Commission.

(2) The term of office of the first Council shall be four years from the time of appointment and such further time not exceeding six months as shall be determined by the Governor in Commission. Term of office.

(3) The Governor in Commission may make any appointment necessary to fill any vacancy in the first Council during the said term of office. Vacancies.

6.—(1) The membership of the Council which shall take office upon the expiration of the term of office of the first Council shall be determined in the manner hereinafter in this section provided. Appointment and election of members of second Council.

(2) In the last month of the fourth year of the term of office of the first Council or at such other time as shall be appointed by the Governor in Commission the Council shall draw lots for the retirement of three of its members and shall notify the names thereof to the Governor in Commission. Retirement of three members after four years.

(3) The Governor in Commission shall re-appoint to the Council to hold office for a further period of two years the members of the first Council whose names have not been notified as subject to retirement and in the event that any of such members shall be unable or unwilling to act the Governor in Commission may appoint others in their stead for such term. Re-appointment of four members for two years.

(4) If the office of any of the members of the Council appointed under subsection (3) of this section shall become vacant during the said term of two years the Governor in Commission may appoint a person in his stead for the remainder of the said term. Vacancies.

(5) The appointments made under subsection (3) of this section shall be published in the Newfoundland Publication of appointments.

Gazette prior to the expiration of the term of office of the first Council.

Election of councillors to replace those retiring.

(6) Subsequent to the publication of the names of the four appointed members as hereinbefore provided, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of elections of members to replace the retiring members of the Council.

Term of office of elected councillors.

(7) The members elected to replace the retiring members as provided in subsection (6) of this section shall hold office for a period of four years.

Election of councillors and subsequent term of office thereof.

7. Upon the expiration of the term of office of members appointed by the Governor in Commission under the last preceding section, an election shall be held for the selection of four members to replace them, who shall hold office for a period of four years. Thereafter elections shall be held every two years to select three or four members as the case may be to serve for periods of four years to replace members whose term of office has expired at the date of each election.

Bye-elections

8. In the event of a vacancy occurring in the office held by any elected member of the Council at any time prior to six months before the expiration of the term of office of such member, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of a bye-election of a member in replacement, who shall hold office for the unexpired term.

Retiring councillors eligible for re-appointment or re-election.

9. Councillors whose term of office has expired shall be eligible for re-appointment and re-election.

Qualifications of voters.

10. Any person shall be qualified to vote in an election of councillors, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year preceding the date set for the election; and

(c) is liable to taxation under this Act; and

(d) is not disqualified by mental incapacity.

Regulations for holding of elections.

11.—(1) The Governor in Commission may make regulations for the holding of elections under this Act which shall be published in the Newfoundland Gazette and which may provide penalties for any breach thereof not to exceed five hundred dollars and in default of payment imprisonment for six months.

Costs of elections.

(2) All costs of the holding of elections shall be paid out of the funds of the Council.

Appointment of chairman and vice-chairman.

12.—(1) The Governor in Commission shall appoint a member of the first Council to be chairman and every subsequent Council shall appoint its own chairman.

(2) Every Council shall also appoint one of its own members to be vice-chairman who shall in the absence of the chairman exercise his powers and duties.

Vacation of office by councillors.

13. A councillor shall vacate his office if he—

(a) shall tender his resignation in writing to the chairman;

(b) shall cease to be resident of the Town;

(c) shall be absent from the Town for more than twelve calendar months at any one time;

(d) shall be declared insolvent or make a composition or arrangement with his creditors; or

(e) shall be removed by unanimcus vote of the other members of the Council for cause and with the approval of the Governor in Commission. .

Duties of chairman and vice-chairman.

14. The chairman or in his absence the vice-chairman shall preside at all meetings of the Council and enforce order and his decision on all points of order shall be final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman.

Quorum and voting.

15.—(1) A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council.

(2) Every disputed question shall be decided by a majority of the votes of the members of the Council present including the chairman.

(3) The chairman, when there is an equality of votes inclusive of his own shall have a casting vote.

Council to regulate its proceedings.

16. The Council shall have power to regulate its own proceedings.

Financial year of Council.

17. The financial year of the Council shall be from the first day of April to the thirty-first day of March next following, except in the first year when it shall be from the day of appointment of the Council until the thirty-first day of March next following.

Town Fund.

18.—(1) All moneys collected or received by the Council from taxes, levies, fees, loans or grants shall consti-

tute a fund to be called the Town of Lewisporte Fund (hereinafter called the Town Fund) which shall be under the direction and control of the Council subject to this Act.

Bank account.

(2) All moneys received by the Council in respect of the Town Fund shall be lodged with a bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such other officer of the Council as is appointed for the purpose.

Yearly budget to be submitted

19. The Council shall not later than the first day of March in each year prepare and submit to the Governor in Commission a budget containing—

(a) an estimate of the balance of the Town Fund at the beginning of the ensuing financial year;

(b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;

(c) an estimate of its receipts from various taxes and any other source of income in the next ensuing financial year; and

(d) any other information in relation to the foregoing which the Governor in Commission may require.

Revised budget may be submitted during financial year.

20. If at any time during the financial year in respect of which a budget has been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure then the Council may, and if required by the

Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and payments and of outstanding liabilities up to the date of submission.

Budget to be approved.

21.—(1) The Governor in Commission may approve or disapprove a budget submitted by the Council.

Approval withdrawn when budget revised.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect.

Council's expenditure limited to budget.

22. Save with the approval of the Governor in Commission, the Council shall not have power in any year to incur, enter upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the estimated amount of payments set out in an approved budget.

Records, accounts and report.

23.—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of account are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith.

Report to include financial statements.

(2) The report submitted by the chairman under the preceding subsection shall include an account made up to the thirty-first day of March preceding, setting out the Council's income and expenditure during the preceding year and a statement of its assets and liabilities.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto any report thereon which the auditor may have made to the Council. Signing of account and auditor's certificate.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Town and, if there shall be no such newspaper, in any other newspaper published in Newfoundland and circulating in the Town. Publication of account and auditor's certificate and report.

24.—(1) The Governor in Commission shall appoint from time to time one or more persons to audit the accounts of the Council. Appointment of auditors.

(2) An auditor appointed under this section shall at any time have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council. Powers of auditors.

(3) Whenever the auditor shall have made an interim examination of the Council accounts during the course of the financial year he shall submit a report thereon to the chairman of the Council and to the Governor in Commission. Auditor's interim report.

(4) The auditor or auditors shall examine and report on the annual account of the Council required to be made under subsection (2) of Section 23 hereof and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept, the adequacy of the safeguards against fraud and any other matters connected with the accounts which he Auditors' report on yearly account.

or they may consider of sufficient interest or importance to mention.

Appointment of officers and servants.

25. The Council shall have power, subject to the approval of the Governor in Commission, to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants.

Meetings to be public ordinarily.

26. Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

Bi-monthly meetings to be held.

27. There shall be a meeting of the Council at least twice every month for the dispatch of general business.

Special meetings.

28. Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

CONTROL OF BUILDING

Control of building, sanitation and water supply.

29.—(1) From and after the date of the passing of this Act no person shall within the Town—

(a) commence any building;

(b) extend any building;

(c) build, construct or make any privy, cesspit, cesspool, septic tank or sewer;

(d) make or use any new water supply;

save under and in accordance with the terms of a permit in writing from the Council.

(2) The Council, with the approval of the Governor in Commission, may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Town.

(3) Every permit given by the Council shall be subject to such rules and regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, cesspit, cesspool, septic tank, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

Penalty.

30. If any person shall commit a breach of any of the provisions of the last preceding section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Removal of building, etc., erected otherwise than under permit.

31.—(1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy, cesspit, cesspool, septic tank, sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made, to any privy, cesspit, cesspool, septic tank, sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three

days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

CONTROL OF SANITARY CONDITIONS

Discovery and removal of nuisances.

32.—(1) The Council or any person appointed by the Council for that purpose may open and enter or may authorize a police constable or ranger to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provisions of subsection (1) of this section shall not be complied with, or so far complied with as the Council may

regard as reasonable, within the time specified in the order, then such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or the occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Town, the Council may cause any nuisance, filth, rubbish or insanitary matter thereon to be removed or destroyed or any insanitary condition thereon to be amended and the cost of such removal, destruction or amendment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

Destruction of burnt, dilapidated or dangerous buildings.

33.—(1) The Council or any person appointed by the Council may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may, after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council, adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days

after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Town, the Council may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

STREETS AND ROADS

Roads, streets and bridges.

34. The Council shall have the control and management of all roads, streets and bridges within the Town, other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

Breaking of streets, erection of scaffolding, etc.

35. No person shall break up the soil of any street or erect or place in any street, sidewalk, road or lane, any structure without first notifying the Council of the purpose for which such breaking up or structure is required and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon

the person applying as the security of the public appears to it to require.

DRAINS AND SEWERS

Establishment and maintenance of drains, sewers and water supply pipes.

36.—(1) The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

Expropriation of drains and sewers.

(2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along the street, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer as may be agreed or determined by arbitration.

Right to enter and survey.

37. The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act.

Right to enter and construct sewers, etc.

38. The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing in the Town and to break up, dig, excavate, and open so much and so many of the public streets or thoroughfares or pri-

vate property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Power of Council to acquire and hold lands, etc., and to establish water supply system.

39.—(1) The Council shall have the power, subject to the approval of the Governor in Commission—

(a) to acquire lands by purchase or otherwise, and to hold such lands and to dispose of the same in any lawful manner;

(b) to receive lands, buildings, machinery, equipment, moneys by way of gifts, grant or purchase for public purposes;

(c) to establish, own and operate a public water supply system.

Diversion of water courses.

(2) The Council shall have the power to alter or divert any watercourse within the Town for the purpose of the improvement of such watercourse or of the sewerage of the Town, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as may be deemed by the Council to be necessary and expedient, and the Council shall have power for the purposes aforesaid to enter upon all lands within the Town, and to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of the said buildings and erections as may be

necessary for the said purposes and shall compensate any person injuriously affected thereby in such sum as may be agreed and if no agreement can be made, in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

LOCAL REGULATIONS

Regulations.

40.—(1) Subject to the approval of the Governor in Commission, the Council shall have power to make regulations, applicable within the Town, for dealing with the following classes of subjects, and may from time to time amend or repeal any such regulations, that is to say—

(a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;

(b) for the shovelling of snow and the clearing of roads in winter;

(c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupiers of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;

(d) for the payment of any tax by services or materials of an equal value when in the opinion of the Council the taxpayer is unable to pay in cash;

(e) for providing for the demolition or removal of buildings or erections which have fallen into de-

cay, and which have become a menace to health or safety;

(f) for regulating the keeping of animals within the Town and the places where the same may be kept;

(g) for prohibiting the use of any form of, or any mode of management of, baths, water closets, soil-pans, sinks, cesspits, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;

(h) for the protection of drains, sewers and water supply pipes and for keeping the same free from obstruction;

(i) for the numbering of all buildings, and the marking and naming of new streets or roads;

(j) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;

(k) for providing that all privies, cesspits, cesspools, septic tanks, and other like places or arrangements for the reception or disposal of foul matter shall conform to such requirements as may be set by the Council in respect of construction, location, maintenance, cleansing and disinfection;

(l) for restricting and regulating the running at large or disposing of any animals and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time;

(m) for providing for the collection of garbage and imposing duties upon owners or occupiers of buildings or premises to facilitate such collection;

(n) in relation to the digging, building or construction of wells or other sources of water supply for domestic purposes and for the prevention of the contamination or fouling of such water supply and for the securing that at all times such water supply shall be fit for use as aforesaid;

(o) for prohibiting the digging, construction, maintenance or use of ditches, drains or culverts which the Council may consider dangerous to public health;

(p) for prohibiting the sweeping into or depositing upon any street or public place and the accumulation on any property or premises of garbage, rubbish, ashes, cans, bottles or the like, or any insanitary or unsightly matter;

(q) for controlling or regulating vehicular and other traffic;

(r) for collection of taxes;

(s) for licensing of dogs;

(t) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(2) The Council may prescribe in such regulations a penalty not exceeding one hundred dollars for the violation of any regulations made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulations as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulating in the Town or by poster or otherwise as the Council may direct.

POWERS OF TAXATION

Stock tax.

41.—(1) There shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Town a tax, to be known as the stock tax, of twenty cents for every one hundred dollars of the value of his stock in trade as at the end of the preceding fiscal or calendar year as hereinafter determined.

(2) For the purpose of this section the occupier of every shop, store, warehouse or factory within the limits of the Town shall, when required by the Council so to do, furnish it with a statement of the value of his stock in trade as at the end of the preceding fiscal or calendar year as shown in his returns under the Income Tax Consolidation Act, 1944, made to the Assessor of Taxes: Provided that in any case where such occupier has not made such return to the Assessor of Taxes he shall furnish to the Council, when required so to do, a statement, duly sworn to by him, of the value of his stock in trade as at the end of the preceding fiscal or calendar year.

(3) It shall be lawful for the Assessor of Taxes upon inquiry of the Council to disclose whether or not the statement of stock in trade reported to the Council under the provision of subsection (2) of this section is the same as the stock in trade reported to the Assessor.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

(5) Any person required to furnish to the Council the statement of his stock in trade under the provisions of subsection (2) of this section, who—

(a) furnishes to the Council a false statement of his stock in trade shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment; or

(b) fails or neglects to furnish the statement of his stock in trade to the Council shall be subject on summary conviction to a penalty not exceeding ten dollars per day for each day during which the default continues.

Business tax.

42.—(1) The Council shall have power, subject to the approval of the Governor in Commission, to impose an annual tax or licence fee of not less than five dollars nor more than fifty dollars on persons or companies carrying on within the Town any business, trade or profession and may vary the same in respect of businesses, trades or professions of different kinds and in respect of premises upon which more than one business, trade or profession is carried on.

(2) The said tax or licence fee may be fixed within the limits above mentioned by the Council in respect of any person or company or class of persons or companies in accordance with the Council's opinion as to the value or magnitude of the business done by such person or company or class of persons or companies, which opinion shall be final.

(3) The taxes or licence fees imposed under subsections (1) and (2) of this section shall be payable in each year on such date as shall be determined by the Council.

(4) In the case of a person or company commencing any business, trade or profession, as the case may be, after the taxes or licence fees for the year have been fixed under the provisions of this section, the Council may make

a special assessment for the remainder of the current year, which shall thereupon become payable.

Amount of tax; hearing by Council of person aggrieved.

43. Any person or company deeming himself or itself aggrieved by the amount of the tax or licence fee fixed upon his or its business, trade or profession, as the case may be, by the Council under the provisions of Section 42 of this Act, may request a hearing by the Council, and reconsideration by it: Provided that upon such reconsideration the Council may require him or it to make or furnish a statutory declaration as to the amount or value of business done by him or it and may require the production of his or its books for examination.

Entertainment tax.

44.—(1) The Council shall have power to impose a tax, to be known as the entertainment tax, upon all stage performances, entertainments, circuses or shows, save in the case where all the proceeds are to be used for charitable, educational or religious purposes.

(2) The entertainment tax may be imposed either directly upon the persons or companies responsible for the management of any such stage performances, entertainments, circuses or shows or upon the payments made for admission thereto, and may in either case be collected at such times and in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by ticket to be procured from the Council by the persons or companies responsible for the management thereof.

(3) The rate of the entertainment tax may be fixed from time to time by the Council subject to the approval of the Governor in Commission and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

45.—(1) In addition to the foregoing the Council shall have power to impose, sue for and collect the following taxes or levies; Sundry taxes.

(a) A Town service fee of five dollars, to be paid by the following persons:

(i) All male residents of the age of twenty-one years or more;

(ii) All non-resident persons who own real property within the Town to the value of one hundred dollars or more;

(iii) All females of the age of twenty-one years or more resident in the Town, but not residing with a member of the household who is liable to pay the said Town service fee, who—

(aa) own any real property in the town to the value of one hundred dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more:

Provided that the Council may, upon the certificate of the Relieving Officer, exempt any female in indigent circumstances from payment of the fee imposed by subparagraph (iii) of this paragraph when the payment of the fee will constitute a hardship.

For the purpose of this subsection the word "household" shall mean a number of persons related by blood or adoption to the female from whom the tax is sought to be collected and residing in the same house or tenement.

(b) A tax of five dollars, payable not more than once in every year, on every commercial agent doing or soliciting any business in the Town but not upon an agent who is a Newfoundlander and does or solicits business for Newfoundland firms or companies only.

(c) A tax of not less than five dollars nor more than ten dollars, payable not more than once in every year, on every motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward.

(d) A tax of not less than two dollars and fifty cents nor more than five dollars, payable not more than once in every year, on all motor vehicles (other than those referred to in paragraph (c) of this subsection) ordinarily operated from within the limits of the Town, whether for hire, reward, or for any other purpose whatsoever.

(e) A tax of one dollar, payable not more than once in every year, on every motor-cycle operated from within the limits of the Town.

(f) A tax of not less than five dollars nor more than ten dollars, payable not more than once in every year, on every motor boat ordinarily operated as a passenger boat from within the limits of the Town for hire or reward.

(g) A tax of ten cents per ton on all coal delivered to the Town.

(h) Such sums as the Council may from time to time with the consent of the Governor in Commission impose on any property served by any Town system of water or sewerage service.

(2) No tax imposed under paragraph (h) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by pipes. The consent in such cases may be obtained either in writing from such owners individually or by resolution passed at a meeting of such owners called for that purpose.

(3) For the purpose of this section the word "owner" or any grammatical variation thereof when used in relation to land shall mean the owner of the freehold.

Penalty for operating without payment of tax or licence fee.

46. Any person who shall—

(a) carry on any business, trade or profession in respect of which a tax or licence fee is payable under the provisions of Section 42 of this Act;

(b) carry on any stage performance, entertainment, circus or show in respect of which a tax is payable under the provisions of Section 44 of this Act;

(c) being a commercial agent, other than a Newfoundlander doing or soliciting business for Newfoundland firms or companies only, do or solicit any business in the Town;

(d) operate within the Town any motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward;

(e) operate a motor vehicle (not operated as a bus or passenger car) or motor cycle, from within the limits of the Town; or

(f) operate any motor boat ordinarily operated as a passenger boat;

without having first paid the tax or licence fee therefor, shall be liable on summary conviction to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days, and every repetition of the said act shall be deemed to be a separate offence.

Taxes to be settled annually.

47. The amount of fees or taxes payable under paragraphs (a), (b), (c), (d), (e), (f), and (g) of subsection (1) of Section 45 of this Act shall be settled each year by the Council and posted in at least two conspicuous places in the Town between the first and fifteenth days of April. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

Prohibition of exemption or remission from taxes save with approval of Governor in Commission.

48.—(1) Whenever it shall be made to appear to the Council that any exemption from taxes or any remission of taxes or of the interest thereon, in whole or in part, is desirable the Council may, upon the unanimous vote of the members of the Council present at a meeting, represent to the Governor in Commission that such exemption or remission should be granted and if the Governor in Commission shall approve such exemption or remission the same may be granted but subject to such conditions as the Governor in Commission may impose.

(2) Save as hereinbefore in this section or otherwise specifically provided the Council shall not grant any such exemption or remission from taxes to any person, firm or company and no contract, agreement or stipulation with any person, firm or company for such exemption or remission from taxes shall be valid.

Interest on taxes in arrears.

49. All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such taxes become due.

Publication of taxes; consent or approval of Governor in Commission thereto.

50. The Council shall publish in the Newfoundland Gazette and post in at least two conspicuous places in the Town a copy of every minute of the Council whereby any tax is imposed and where the consent or approval of the Governor in Commission to such tax is required shall also publish therewith a notice of the date when such consent or approval was given.

Contracts.

51. All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document and all contracts not under seal when duly authorized by the Council shall be signed by the chairman.

Actions, notice of

52. No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

Power to borrow.

53. The Council shall have power subject to the approval of the Governor in Commission to borrow moneys and to issue securities for the repayment of moneys borrowed.

Powers of expenditure.

54. The Council shall have power to appropriate and pay out of the funds at its disposal salaries or remuneration to officers, auditors and employees of the Council and the general expenses of the Council and generally all other expenditures incurred in the execution of the powers and duties by law vested in the Council or its officers

Investigations.

55. The Governor in Commission shall have power by any official thereto authorized by him, to investigate at any time the books, records and accounts of the Council and to inspect all work done or being done or to consider any work proposed to be done by the Council; and the Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or decision either on the foregoing subjects or on any other subjects passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

Governor in Commission may depute powers to Commissioner.

56. The powers and duties of the Governor in Commission under this Act except the powers conferred by Section 11, may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

Supplying electricity within the Town.

57. The Council shall have the exclusive right to establish, own, and operate a plant for the production and distribution of electricity for lighting and other domestic purposes within the Town.

Short title.

58. This Act may be cited as the Town of Lewisporte Act, 1946.

AN ACT FURTHER TO AMEND THE INCOME TAX CONSOLIDATION ACT, 1944.

[29th June, 1946]

SECTION
1.—Amdt. Sec. 1.
2.—Amdt. Sec. 3.
3.—Amdt. Sec. 5.
SECTION
4.—Amdt. Sec. 15.
5.—Amdt. Sec. 36.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. 1

1. Section 1 of the Income Tax Consolidation Act, 1944, is hereby amended by adding to the said section as paragraph (p) the following:

(p) "taxation year" or "taxation period" shall mean a year or other fiscal period upon the income of which tax is, by this Act, required to be assessed, levied or paid, and a reference to the taxation year or taxation period of a certain calendar year is a reference to the taxation year or taxation period, as the case may be, ending in that calendar year.

Amdt. Sec. 3.

2. Section 3 of the said Act is hereby amended as follows:

(a) By adding to paragraph (a) thereof the following:

Provided that a clergyman who holds any office of profit under the Crown shall not receive the benefit of the provisions of this subsection in respect of his salary or other emoluments derived from such office.

(b) By adding to the said section as paragraph (n) the following:

(n) The income from the investment of the superannuation or pension funds of a trust established in connection with, or a corporation incorporated for the administration of, an employees' superannuation or pension fund or plan approved by the Commissioner in respect of its constitution and operations for the taxation year.

Amdt. Sec. 5.

3.—(1) Section 5 of the said Act is hereby amended as follows:

(a) By deleting paragraph (i) of subsection (1) of the said section.

(b) By adding to subsection (1) of the said section as paragraph (i) the following:

(i) Amounts in respect of losses sustained in the four years immediately preceding the taxation year, but

(i) no more is deductible in respect of a loss than the amount by which the loss exceeds the aggregate of the amounts deductible in respect thereof in previous years under this Act,

(ii) an amount is only deductible in respect of the loss of any year after deduction of amounts in respect of the losses of previous years, and

(iii) nothing is deductible in respect of a loss unless the taxpayer carried on the same business in the taxation year as he carried on in the year the loss was sustained,

if, in ascertaining the losses, no account is taken of an outlay, loss or replacement of capital, a payment on account of capital, any depreciation, de-

pletion or obsolescence or disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose of earning the income, except such amount for depreciation and depletion as the Commissioner may allow for the purposes of this paragraph.

(2) No deduction under the provisions of paragraph (i) of subsection (1) of the said section, as enacted by paragraph (b) of subsection (1) of this section, shall be allowed in respect of a loss incurred before the taxation year 1945.

4. Section 15 of the said Act is hereby amended by deleting subsection (1) of the said section and substituting therefor the following: Amdt. Sec. 15

(1) (a) Every person or company accepting premiums of insurance against fire upon property situated in Newfoundland, whether such person or company maintains an office or has an agent in Newfoundland or not, shall pay, in lieu of all other taxes, which but for this subsection, such person or company would be liable to pay in respect of income derived from the business of fire insurance, a tax of eight percent, to be computed on the amount actually received by the said person or company for such premiums as aforesaid during the calendar year.

(b) Premiums received in respect of property situated in Newfoundland insuring such property against fire, whether or not payment was made in Newfoundland, shall be deemed to be premiums received in Newfoundland for the purpose of this subsection.

(c) Where any tax imposed under this subsection shall be due by a person or company resident outside

Newfoundland and such person or company shall not pay the said tax when the same becomes due, the person whose property was insured against fire shall be liable for the tax and the Assessor of Taxes shall have a lien on the property in respect of which the premiums were paid to the amount of the tax and any necessary costs for the collection of the tax.

Amdt. Sec. 36.

5. Subsection (4) of Section 36 of the said Act is hereby amended by re-numbering the said subsection as (4) (a) and adding thereto as paragraph (b) the following:

(b) Where in any case it is discovered that an incorrect return, in which income has been understated, has been made and the Assessor certifies in writing that such discovery is due to the voluntary disclosure of the person making the return or on whose behalf the return was made, the Commissioner may reduce by one-half the penalties, except the penalty for interest, imposed by this subsection.

AN ACT TO PROVIDE FOR PROOF OF DEATH IN THE CASE OF PERSONS CERTIFIED FROM ARMED SERVICES RECORDS AS DEAD.

(29th June, 1946)

SECTION
1.—Proof of death from military records.

SECTION
2.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D 1946

1. The production of a certificate, signed or purporting to be signed by the Secretary for Defence or by some other person authorized by the Governor in Commission so to sign, stating that the person named in the certificate was a member of His Majesty's forces or of the forces of a state allied with His Majesty, and that he has been officially reported dead or presumed to be dead, if it appears on the face of the certificate that the person signing is qualified under the provisions of this Act, shall be sufficient proof of the death of such person, and also of the office, authority and signature of the person giving or making the certificate without any proof of his appointment, authority or signature. Proof of death from military records.

2. This Act may be cited as the Proof of Death (Members of Armed Services) Act, 1946. Short title.

AN ACT FURTHER TO AMEND THE JUDICATURE ACT.

(29th June, 1946)

SECTION 1.—Repeal and substitution Sec. 45.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal and substitution Sec. 45.

1. Section 45 of the Judicature Act (Chapter 83 of the Consolidated Statutes (Third Series) is hereby repealed and the following substituted therefor:

45.—(1) The Governor in Commission may, upon the recommendation of the Judges of the Court, appoint shorthand reporters to report trials and other judicial proceedings and to perform such other duties as may be assigned by any one or more of the said Judges.

(2) Such reporters shall, before entering upon their duties, take and subscribe before one of the said Judges the following oath:

I, A.B., do swear that I will faithfully take down and transcribe the evidence and proceedings at all trials and other judicial proceedings in which I am assigned to act as shorthand reporter, and that I will faithfully perform any other duty assigned to me. So help me God

AN ACT TO AMEND THE EXCESS PROFITS TAX CONSOLIDATION ACT, 1944.

(15th July, 1946)

SECTION
1.—Amdt. Sec. 1.
SECTION
2.—Application.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. 1.

1. Section 1 of the Excess Profits Tax Consolidation Act, 1944, is hereby amended by adding to paragraph (g) of the said section the following:

"Provided further that a taxpayer's standard profits shall not be deemed to be less than five thousand dollars."

Application.

2. This Act shall apply to taxation periods ending in the year one thousand nine hundred and forty-five and thereafter.

AN ACT TO AMEND THE REVENUE ACT, 1946

(15th July, 1946)

SECTION 1.—Repeal and substitution Schedule E.

A. D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal and substitution Schedule E.

1. The Revenue Act, 1946 (No. 20 of 1946) is hereby amended by striking out Schedule E thereto and substituting therefor the following:

SCHEDULE E.—EXPORT TAX

Fish, viz:—

Cod, haddock, hake, ling, salted or dried or otherwise preserved, exported from Newfoundland—

(a) produced from fish caught during the calendar year 1945, per quintal \$0.02

(b) produced from fish caught during the calendar year 1946, and subsequent calendar years, per quintal \$0.05

AN ACT RELATING TO THE ELECTION OF A REPRESENTATIVE TO THE NATIONAL CONVENTION FOR THE ELECTORAL DISTRICT OF LABRADOR.

(19th July, 1946)

SECTION
1.—Application.
2.—Nomination of candidates.
3.—Nomination and Polling Days.
4.—Appointment of election officers.
5.—Procedure for holding poll and counting ballots.
6.—Eligibility of voters.
7.—Forms.
8.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Application.

1. In respect of the election of a representative to the National Convention under the National Convention Act, 1946, (hereinafter referred to as the said Act) for the electoral district of Labrador (hereinafter referred to as the said district) the provisions of this Act shall apply together with such provisions of the said Act as are not inconsistent with the provisions of this Act.

Nomination of candidates.

2.—(1) A person eligible for nomination as a candidate for the said district shall be deemed to have been validly nominated if there shall, within the period between the date of the Proclamation mentioned in Section 3 of this Act and the expiry of the time for nomination set by Section 25 of the said Act, have been delivered to the Returning Officer copies of the following documents:

(a) a document signed with his own hand by such person stating his full name, his address and occupation and his desire to be nominated as a candidate for election to the National Convention; and

(b) a document signed with their own hands by at least five electors of the said district certifying that to their knowledge such person is an ordinary and bona fide resident of the said district and is qualified to become a candidate for the said district.

(2) The documents provided for under subsection (1) shall be delivered to the person in charge of a telegraph office within the period in the said subsection mentioned for telegraphic transmission to the Returning Officer.

(3) Nothing in this section contained shall affect the validity of nominations made in accordance with the provisions of Sections 26, 27, 28 and 29 of the said Act.

Nomination and Polling Days.

3.—(1) The Governor in Commission shall, by Proclamation, fix the day and place of nomination for the said district and constitute in the said district polling centres and may designate a ship as the polling station for any or all of the said centres: Provided that the Deputy Returning Officer may establish the polling station in a building at any polling centre.

(2) The Proclamation issued under this section shall fix the day and hours of polling in each of the polling centres of the said district and may fix different days and different hours in the same day for polling in different centres and may direct postponement of the poll in any or all polling centres until such time after arrival of the ship at polling centres as the Deputy Returning Officer may decide.

(3) The provisions of sections 19 and 23 and subsection (1) of section 54 of the said Act shall not apply in respect of the election in the said district.

Appointment of Election Officers.

4.—(1) The Chief Electoral Officer shall appoint one or more deputy returning officers and poll clerks for all the polling divisions of the said district.

(2) Appointments made under this section and oaths taken by persons appointed shall be in the form prescribed by Sections 16 and 17 of the said Act with such modifications as the Chief Electoral Officer may deem desirable to render them applicable.

Procedure for holding poll and counting ballots.

5. There shall be a separate ballot box for each polling centre and immediately after the close of the poll in each such centre the deputy returning officer shall follow the procedure prescribed in subsections (6) and (8) of Section 67 of the said Act and upon receipt by the Returning Officer of all ballot boxes for the said district he shall proceed to count the votes in accordance with the procedure for counting provided in the said Section 67 and the provisions of Sections 68 and 69 of the said Act shall, in so far as they are capable of application, apply to such count and the declaration of election.

Eligibility of voters.

6. Notwithstanding the provisions of Section 46 of the said Act conferring voting qualifications upon certain persons in a district in which they have been resident for two months immediately preceding the day of polling, any person who is not ordinarily and bona fide resident in the said district on the day of polling in the polling division in which he seeks to vote shall not be eligible to vote in the said district.

Forms.

7. The forms in the Second Schedule of the said Act shall, with necessary alterations to render them applicable, be used where such use is necessary.

Short title.

8. This Act may be cited as the National Convention (Labrador) Act, 1946.

AN ACT TO INCORPORATE THE TOWN OF FORTUNE

(29th August, 1946

SECTION

1.—Name of Town.
2.—Boundaries of Town.
3.—Town Council constituted.
4.—Qualification of Councillors.
5.—(1) Appointment of first Council.
(2) Term of office.
(3) Vacancies.
6.—(1) Appointment and election of members of second Council.
(2) Retirement of three members after four years.
(3) Re-appointment of four members for two years.
(4) Vacancies.
(5) Publication of appointments.
(6) Election of Councillors to replace those retiring.
(7) Term of office of elected Councillors.
7.—Election of Councillors, and subsequent term of office thereof.
8.—Bye-elections.
9.—Retiring Councillors eligible for re-appointment or re-election.
10.—Qualifications of voters.
11.—(1) Regulations for holding of elections.
(2) Costs of elections.

SECTION

12.—(1) Appointment of chairman and vice-chairman.
13.—Vacation of office by Councillors.
14.—Duties of chairman and vice-chairman.
15.—Quorum and voting.
16.—Council to regulate its proceedings.
17.—Financial year of Council.
18.—(1) Town Fund.
(2) Bank account.
19.—Yearly budget to be submitted.
20.—Revised budget may be submitted during financial year.
21.—(1) Budget to be approved.
(2) Approval withdrawn when budget revised.
22.—Council's expenditure limited to budget.
23.—(1) Record, accounts and report.
(2) Report to include financial statements.
(3) Signing of account and auditor's certificate.
(4) Publication of account and auditor's certificate and report.
24.—(1) Appointment of auditors.

SECTION

(2) Powers of auditor.
(3) Auditor's interim report.
(4) Auditors' report on yearly account.
25.—Appointment of officers and servants.
26.—Meetings to be public ordinarily.
27.—Bi-monthly meetings to be held.
28.—Special meetings.
29.—Control of building, sanitation and water supply.
30.—Penalty.
31.—Removal of building, etc., erected otherwise than under permit.
32.—Discovery and removal of nuisances.
33.—Destruction of burnt dilapidated or dangerous buildings.
34.—Roads, streets and bridges.
35.—Breaking of streets, erection of scaffolding, etc.
36.—(1) Establishment and maintenance of drains, sewers and water supply pipes.
(2) Expropriation of drains and sewers.
37.—Right to enter and survey.

SECTION

38.—Right to enter and construct sewers, etc.
39.—Diversion of water courses.
40.—Regulations.
41.—Stock tax.
42.—Business tax.
43.—Amount of tax; hearing by Council of person aggrieved.
44.—Entertainment tax.
45.—Sundry taxes.
46.—Penalty for operating without payment of tax or licence fee.
47.—Taxes to be settled annually.
48.—Prohibition of exemption or remission from taxes save with approval of Governor in Commission.
49.—Interest on taxes in arrears.
50.—Publication of taxes; consent or approval of Governor in Commission thereto.
51.—Contracts.
52.—Actions; notice of.
53.—Power to borrow.
54.—Power of expenditure.
55.—Investigations.
56.—Governor in Commission may depute powers to Commissioner.
57.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Name of Town.

1. The town or settlement (in this Act hereinafter referred to as "the Town") situated within the boundaries hereinafter defined shall be named Fortune.

Boundaries of Town.

2. The boundaries of the Town shall be as follows: Commencing on the shore at Fortune Head and proceeding along the shore eastward to Yellow Point, thence in a straight line to Round Hill, thence in a straight line to Stair Brook Falls, thence in a straight line to Fortune Head and to the point of commencement.

Town Council constituted.

3. There shall be a Town Council for the control and management of the Town consisting of seven persons which shall be a Corporation having perpetual succession and a common seal and which shall be capable of suing and being sued in the name of the Town of Fortune.

Qualifications of Councillors

4. Any person shall be qualified to be appointed or elected as a Councillor, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year immediately preceding appointment or the date set for the election as the case may be; and

(c) is liable to taxation under this Act; and

(d) is not indebted to the Council for any arrears of taxes; and

(e) is not disqualified by mental incapacity.

Appointment of first Council.

5.—(1) The first Council shall be appointed by the Governor in Commission.

Term of office

(2) The term of office of the first Council shall be four years from the time of appointment and such further time,

not exceeding six months, as shall be determined by the Governor in Commission.

(3) The Governor in Commission may make any appointment necessary to fill any vacancy in the first Council during the said term of office. Vacancies.

6.—(1) The membership of the Council which shall take office upon the expiration of the term of office of the first Council shall be determined in the manner hereinafter in this section provided. Appointment and election of members of second Council.

(2) In the last month of the fourth year of the term of office of the first Council or at such other time as shall be appointed by the Governor in Commission the Council shall draw lots for the retirement of three of its members and shall notify the names thereof to the Governor in Commission. Retirement of three members after four years.

(3) The Governor in Commission shall re-appoint to the Council to hold office for a further period of two years the members of the first Council whose names have not been notified as subject to retirement and in the event that any of such members shall be unable or unwilling to act the Governor in Commission may appoint others in their stead for such term. Re-appointment of four members for two years.

(4) If the office of any of the members of the Council appointed under subsection (3) of this section shall become vacant during the said term of two years, the Governor in Commission may appoint a person in his stead or the remainder of the said term. Vacancies.

(5) The appointments made under subsection (3) of this section shall be published in the Newfoundland Gazette prior to the expiration of the term of office of the first Council. Publication of appointments.

Election of Councillors to replace those retiring.

(6) Subsequent to the publication of the names of the four appointed members as hereinbefore provided, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of elections of members to replace the retiring members of the Council.

Term of office of elected Councillors.

(7) The members elected to replace the retiring members as provided in subsection (6) of this section shall hold office for a period of four years.

Election of Councillors and subsequent term of office thereof.

7. Upon the expiration of the term of office of members appointed by the Governor in Commission under the last preceding section, an election shall be held for the selection of four members to replace them, who shall hold office for a period of four years. Thereafter elections shall be held every two years to select three or four members as the case may be to serve for periods of four years to replace members whose term of office has expired at the date of each election.

Bye-elections.

8. In the event of a vacancy occurring in the office held by an elected member of the Council at any time prior to six months before the expiration of the term of office of such member, the Governor in Commission shall appoint a returning officer whose duty shall be to provide in accordance with regulations made under this Act, for the holding of a bye-election of a member in replacement, who shall hold office for the unexpired term.

Retiring Councillors eligible for re-appointment or re-election.

9. Councillors whose term of office has expired shall be eligible for re-appointment and re-election.

Qualifications of voters.

10. Any person shall be qualified to vote in an election of councillors, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year preceding the date set for the election; and

(c) is liable to taxation under this Act; and

(d) is not disqualified by mental incapacity.

Regulations for holding of elections.

11.—(1) The Governor in Commission may make regulations for the holding of elections under this Act which shall be published in the Newfoundland Gazette and which may provide penalties for any breach thereof not to exceed five hundred dollars, and in default of payment imprisonment for six months.

Costs of elections.

(2) All costs of the holding of elections shall be paid out of the funds of the Council.

Appointment of chairman and vice-chairman.

12.—(1) The Governor in Commission shall appoint a member of the first Council to be chairman and every subsequent Council shall appoint its own chairman.

(2) Every Council shall also appoint one of its own members to be vice-chairman, who shall, in the absence of the chairman, exercise his powers and duties.

Vacation of office by Councillors.

13. A Councillor shall vacate his office if he—

(a) shall tender his resignation in writing to the chairman;

(b) shall cease to be resident of the Town,

(c) shall be obsent from the Town for more than twelve calendar months at any one time;

(d) shall be declared insolvent or make a composition or arrangement with his creditors; or

(e) shall be removed by unanimous vote of the other members of the Council for cause and with the approval of the Governor in Commission.

Duties of chairman and vice-chairman.

14. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Council and enforce order and his decision on all points of order shall be final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman.

Quorum and voting.

15.—(1) A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council.

(2) Every disputed question shall be decided by a majority of the votes of the members of the Council present including the chairman.

(3) The chairman, where there is an equality of votes inclusive of his own vote, shall have a casting vote.

Council to regulate its proceedings.

16. The Council shall have power to regulate its own proceedings.

Financial year of Council.

17. The financial year of the Council shall be from the first day of April to the thirty-first day of March next following, except in the first year when it shall be from the day of appointment of the Council until the thirty-first day of March next following.

Town Fund.

18.—(1) All moneys collected or received by the Council from taxes, levies, fees, loans, or grants shall constitute a fund to be called the Town of Fortune Fund (hereinafter called the Town Fund) which shall be under the direction and control of the Council subject to this Act.

(2) All moneys received by the Council in respect of the Town Fund shall be lodged with a Bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such officer of the Council as is appointed for the purpose. Bank account.

19. The Council shall, not later than the first day of March in each year, prepare and submit to the Governor in Commission a budget containing— Yearly budget to be submitted.

(a) an estimate of the balance of the Town Fund at the beginning of the ensuing financial year;

(b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;

(c) an estimate of its receipts from various taxes and any other source of income in the next ensuing financial year; and

(d) any other information in relation to the foregoing which the Governor in Commission may require.

20. If at any time during the financial year in respect of which the budget had been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue, or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure, the Council may, and if required by the Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and payments and of outstanding liabilities up to the date of submission. Revised budget may be submitted during financial year.

Budget to be approved.

21.—(1) The Governor in Commission may approve or disapprove a budget submitted by the Council.

Approval withdrawn when budget revised.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section, he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect.

Council's expenditure limited to budget.

22. Save with the approval of the Governor in Commission, the Council shall not have power in any year to incur, enter upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the estimated amount of payments set out in an approvad budget.

Record, accounts and report.

23.—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of accounts are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith.

Report to include financial statements.

(2) The report submitted by the chairman under the preceding subsection shall include an account made up to the thirty-first day of March preceding, setting out the Council's income and expenditure during the preceding year and a statement of its assets and liabilities.

Signing of account and auditor's certificate.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto anp report thereon which the auditor may have made to the Council.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Town and if there shall be no such newspaper, in any other newspaper published in Newfoundland and circulating in the Town. Publication of account and auditor's certificate and report.

24.—(1) The Governor in Commission shall appoint from time to time one or more persons to audit the accounts of the Council. Appointment of auditors.

(2) An auditor appointed under this section shall at any time have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council. Powers of auditor.

(3) Whenever the auditor shall have made an interim examination of the Council accounts during the course of the financial year, he shall submit a report thereon to the chairman of the Council and to the Governor in Commission. Auditor's interim report..

(4) The auditor or auditors shall examine and report on the annual account of the Council required to be made under subsection (2) of Section 23 of this Act and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept and the adequacy of the safeguards against fraud and any other matters connected with the accounts which he or they may consider of sufficient interest or importance to mention. Auditors' report on yearly account.

25. The Council shall have power, subject to the approval of the Governor in Commission, to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants. Apointment of officers and servants.

Meetings to be public ordinarily.

26. Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

Bi-monthly meetings to be held.

27. There shall be a meeting of the Council at least twice every month for the despatch of general business.

Special meetings.

28. Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

CONTROL OF BUILDING

Control of building, sanitation and water supply.

29.—(1) From and after the date of the passing of this Act no person shall within the Town—

(a) commence any building;

(b) extend or repair any building;

(c) build, construct or make any privy, cesspit, cesspool, septic tank or sewer;

(d) make or use any new water supply;

save under and in accordance with the terms of a permit in writing from the Council..

(2) The Council, with the approval of the Governor in Commission, may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Town.

(3) Every permit given by the Council shall be subject to such rules and regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, cesspit, cesspool, septic tank, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading Council permit granted, with the date or any other matter prescribed by the Council.

Penalty.

30. If any person commits a breach of any of the provisions of the last preceding section, he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Removal of building, etc., erected otherwise than under permit.

31.—(1) If any building shall be erected or commenced to be erected or any extension shall be added to any existing building or if any privy, cesspit, cesspool, septic tank, sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made, to any privy, cesspit, cesspool, septic tank, sewer or water supply otherwise than under and in accordance with the terms of apermit as aforesaid, the same shall be deemed a publicnuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the

Council may designate, such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

CONTROL OF SANITARY CONDITIONS

Discovery and removal of nuisances.

32.—(1) The Council, or any person appointed by the Council for that purpose, may open and enter or may authorize a police constable or ranger to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may be order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within the time specified in the order, such order may be executed by the Council through its officers, agents, employees, or contractors, and the cost of the execution of the said order may be recovered from the owner or the occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same, shall also be liable on summary conviction to a fine not exceeding one

hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Town, the Council may cause any nuisance, filth, rubbish or insanitary condition thereon to be removed or destroyed or any insanitary condition thereon to be amended, and the cost of such removal, destruction or amendment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

Destruction of burnt, dilapidated or dangerous buildings.

33.—(1) The Council, or any person appointed by the Council, may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may, after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council, adjudge the same to be a nuisance, and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days after the service thereof, or within such shorter period as the Council may designate, such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Town, the Council may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

STREETS AND ROADS

Roads, streets and bridges.

34. The Council shall have the control and management of all roads, streets and bridges within the Town other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending, or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

Breaking of streets, erection of scaffolding, etc.

35. No person shall break up the soil of any street or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Council of the purpose for which such breaking up or structure is required, and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to it to require.

DRAINS AND SEWERS

Establishment and maintenance of drains, sewers and water supply pipes.

36.—(1) The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

Expropriation of drains and sewers.

(2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along the street, upon such terms as to compensa-

tion to any person claiming or having any interest or right as owner or otherwise in such drain or sewer as may be agreed or determined by arbitration.

Right to enter and survey.

37. The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses. buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage, or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act.

Right to enter and construct sewers, etc.

38. The Council, its engineers, officers, foreman, servants and labourers shall have the right to enter upon the lands of any person whatsoever and into all houses buildings, tenements and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing in the Town and to break up, dig, excavate, and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and re-pass into, over and upon such streets, thoroughfares, land, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Diversion of watercourses.

39. The Council shall have the power to alter or divert any watercourse within the Town for the purpose of the improvement of such watercourse or of the sewerage of the Town. and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as may

be deemed by the Council to be necessary and expedient, and the Council shall have power for the purpose aforesaid to enter upon all lands within the Town, and to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of the said buildings and erections as may be necessary for the said purposes and shall compensate any person injuriously affected thereby in such sums as may be agreed, and if no agreement can be made, in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

LOCAL REGULATIONS

Regulations.

40.—(1) Subject to the approval of the Governor in Commission, the Council shall have power to make regulations, applicable within the Town, for dealing with the following classes of subjects, and may from time to time amend or repeal any such regulations, that is to say:

(a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;

(b) for the shovelling of snow and the clearing of roads in winter;

(c) for providing for places of deposit of ashes, rubbish, and offensive matter of every kind, and for compelling the owners or occupiers of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;

(d) for the payment of any tax by services or materials of an equal value when in the opinion of the Council the taxpayer is unable to pay in cash;

(e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health or safety;

(f) for regulating the keeping of animals within the Town and the places where the same may be kept;

(g) for prohibiting the use of any form of, or any mode of management of, baths, water closets, soil-pans, sinks, cesspits, cesspools, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger public health;

(h) for the protection of drains, sewers and water supply pipes and for keeping the same free from obstruction;

(i) for the numbering of all buildings, and the marking and naming of new streets or roads;

(j) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;

(k) for providing that all privies, cesspits, cespsools, septic tanks, and other like places or arrangements for the reception or disposal of foul matter shall conform to such requirements as may be set by the Council in respect of construction, location, maintenance, cleansing and disinfection;

(l) for restricting and regulating the running at large or disposing of any animals and providing for im-

pounding them and for causing them to be sold in case they are not claimed within a reasonable time;

(m) for providing for the collection of garbage and imposing duties upon owners or occupiers of buildings or premises to facilitate such collection;

(n) in relation to the digging, building or construction of wells or other sources of water supply for domestic purposes and for the prevention of the contamination or fouling of such water supply and for the securing that at all times such water supply shall be fit for use as aforesaid;

(o) for prohibiting the digging, construction, maintenance or use of ditches, drains or culverts which the Council may consider dangerous to public health;

(p) for prohibiting the sweeping into or depositing upon any street or public place and the accumulation on any property or premises of garbage, rubbish, ashes, cans, bottles or the like, or any insanitary or unsightly matter;

(q) for controlling or regulating vehicular and other traffic;

(r) for collection of taxes;

(s) for licensing of dogs;

(t) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(2) The Council may prescribe in such regulations a penalty not exceeding one hundred dollars for the violation of any regulations made under the provisions of this Act, and may provide that in default of payment of such

penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulations as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulating in the Town or by poster or otherwise as the Council may direct.

POWERS OF TAXATION

Stock tax.

41.—(1) Subject to the provisions of Section 42 of this Act, there shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Town a tax, to be known as the stock tax, of twenty cents for every one hundred dollars of value of his stock in trade as at the end of the preceding fiscal or calendar year as hereinafter determined.

(2) For the purpose of this section the occupier of every shop, store, warehouse or factory within the limits of the Town shall, when required by the Council so to do, furnish it with a statement of the value of his stock in trade as at the end of the preceding fiscal or calendar year as shown in his returns made under the Income Tax Consolidation Act, 1944, to the Assessor of Taxes: Provided that in any case where such occupier has not made such return to the Assessor of Taxes he shall furnish to the Council, when required so to do, a statement, duly sworn to by him, of the value of his stock in trade as at the end of the preceding fiscal or calendar year.

(3) It shall be lawful for the Assessor of Taxes upon inquiry of the Council to disclose whether or not the statement of stock in trade reported to the Council under the provisions of subsection (2) of this section is the same as the stock in trade reported to the Assessor.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

(5) Any person required to furnish to the Council the statement of his stock in trade under the provisions of subsection (2) of this section, who—

(a) furnishes to the Council a false statement of his stock in trade shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment; or

(b) fails or neglects to furnish the statement of his stock in trade to the Council shall be subject on summary conviction to a penalty not exceeding ten dollars per day for each day during which the default continues.

Business tax.

42.—(1) The Council shall have power, subject to the approval of the Governor in Commission, to impose an annual tax or licence fee of not less than three dollars nor more than fifty dollars on persons or companies carrying on within the Town any business, trade or profession and may vary the same in respect of businesses trades or professions of different kinds and in respect of premises upon which more than one business, trade or profession is carried on.

(2) The said tax or licence fee may be fixed within the limits above mentioned by the Council in respect of any person or company or class of persons or companies in accordance with the Council's opinion as to the value or magnitude of the business done by such person or company or class of persons or companies, which opinion shall be final.

(3) The taxes or licence fees imposed under subsections (1) and (2) of this section shall be payable in each year on such date as shall be determined by the Council.

(4) In the case of a person or company commencing any business, trade or profession, as the case may be, after the taxes or licence fees for the year have been fixed under the provisions of this section, the Council may make a special assessment for the remainder of the current year, which shall thereupon become payable.

(5) A person or company liable to tax under this section and under Section 41 of this Act in any year shall be deemed to be liable only for the greater tax in that year.

Amount of tax; hearing by Council of person aggrieved.

43. Any person or company deeming himself or itself aggrieved by the amount of the tax or licence fee fixed upon his or its business, trade or profession, as the case may be, by the Council under the provisions of Section 42 of this Act, may request a hearing by the Council, and reconsideration by it: Provided that upon such reconsideration the Council may require him or it to make or furnish a statutory declaration as to the amount or value of the business done by him or it and may require the production of his or its books for examination.

Entertainment tax.

44.—(1) The Council shall have power to impose a tax, to be known as the entertainment tax, upon all stage performances, entertainments, circuses or shows, save in the case where all the proceeds are to be used for charitable, educational or religious purposes.

(2) The entertainment tax may be imposed either directly upon the persons or companies responsible for the management of any such stage performances, entertainments, circuses or shows or upon the payments made for admission thereto, and may in either case be collected at such times and in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by

ticket to be procured from the Council by the persons or companies responsible for the management thereof.

(3) The rate of the entertainment tax may be fixed from time to time by the Council subject to the approval of the Governor in Commission and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

Sundry taxes.

45.—(1) In addition to the foregoing the Council shall have power to impose, sue for and collect the following taxes or levies—

(a) A Town service fee of three dollars, to be paid by the following persons:

(i) All male residents of the age of twenty-one years or more;

(ii) All male persons of the age of eighteen years or more living in the Town for a period of not less than twenty days and being employed for pay or reward.

(iii) All non-resident persons, companies or firms who own real property within the Town to the value of one hundred dollars or more;

(iv) All females of the age of twenty-one years or more in the Town, but not residing with a member of the household who is liable to pay the said Town Service fee, who—

(aa) own any real property in the Town to the value of one hundred dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more;

Provided that the Council may, upon certificate of the Relieving Officer, exempt any female in indigent circumstances from payment of the fee imposed by subparagraph (iv) of this paragraph when the payment of the fee will constitute a hardship.

For the purpose of this subsection the word "household" shall mean a number of persons related by blood or adoption to the female from whom the tax is sought to be collected and residing in the same house or tenement.

(b) A tax of five dollars, payable not more than once in every year, on every commencial agent doing or soliciting any business in the Town but not upon an agent who is a Newfoundlander and does or solicits business for Newfoundland firms or companies only.

(c) A tax of not less than five dollars nor more than ten dollars, payable not more than once in every year, on every motor vehicle ordinarily operated as a bus, passenger car, or truck from within the limits of the Town for hire or reward.

(d) A tax of not less than two dollars and fifty cents nor more than five dollars, payable not more than once in every year, on all motor vehicles (other than those referred to in paragraph (c) of this subsection) ordinarily operated from within the limits of the Town, whether for hire, reward or for any other purpose whatsoever.

(e) A tax of one dollar, payable not more than once in every year, on every motor-cycle operated from within the limits of the Town.

(f) Such sums as the Council may from time to time with the consent of the Governor in Commission

impose on any property served by any Town system of water or sewerage service.

(2) No tax imposed under paragraph (f) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by pipes. The consent in such cases may be obtained either in writing from such owners individually or by resolution passed at a meeting of such owners called for that purpose.

(3) For the purpose of this section the word "owner or any grammatical variation thereof when used in relation to land shall mean the owner of the freehold.

Penalty for operating without payment of tax or licence fee.

46. Any person who shall—

(a) carry on any business, trade or profession in respect of which a tax or licence fee is payable under the provisions of Section 42 of this Act;

(b) carry on any stage performance, entertainment, circus or show in respect of which a tax is payable under the provisions of Section 44 of this Act;

(c) being a commercial agent, other than a Newfoundlander doing or soliciting business for Newfoundland firms or companies only, do or solicit any business in the Town;

(d) operate within the Town any motor vehicle ordinarily operated as a bus, passenger car or truck from within the limits of the Town for hire or reward; or

(e) operate a motor vehicle (not operated as a bus, passenger car or truck), motor-cycle or bicycle from within the limits of the Town;

without first having paid the tax or licence fee therefor shall be liable on summary conviction to a fine not exceed-

ing twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days, and every repetition of the said act shall be deemed to be a separate offence.

Taxes to be settled annually.

47. The amount of the fees or taxes payable under paragraphs (a), (b), (c), (d) and (e) of subsection (1) of Section 45 of this Act shall be settled each year by the Council and posted in at least two conspicuous places in the Town between the first and fifteenth days of April. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

Prohibition of exemption or remission from taxes save with approval of Governor in Commission.

48.—(1) Whenever it shall be made to appear to the Council that any exemption from taxes or any remission of taxes or of the interest thereon, in whole or in part, is desirable, the Council may, upon the unanimous vote of the members of the Council present at a meeting, represent to the Governor in Commission that such exemption or remission should be granted, and if the Governor in Commission shall approve such exemption or remission the same may be granted but subject to such conditions as the Governor in Commission may impose.

(2) Save as hereinbefore in this section or otherwise specifically provided, the Council shall not grant any such exemption or remission from taxes to any person, firm or company, and no contract, agreement or stipulation with any person, firm or company for such exemption or remission from taxes shall be valid.

Interest on taxes in arrears.

49. All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such taxes become due.

Publication of taxes; consent or approval of Governor in Commission thereto.

50. The Council shall publish in the Newfoundland Gazette and post in at least two conspicuous places in the Town, a copy of every minute of the Council whereby any tax is imposed and where the consent or approval of the Governor in Commission to such tax is required shall

also publish therewith a notice of the date when such consent or approval was given.

Contracts.

51. All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document, and all contracts not under seal, when duly authorized by the Council, shall be signed by the chairman.

Actions; notice of

52. No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

Power to borrow.

53. The Council shall have power, subject to the approval of the Governor in Commission, to borrow moneys and to issue securities for the repayment of moneys borrowed.

Power of expenditure.

54. The Council shall have power to appropriate and pay out of the funds at its disposal, salaries or remuneration to officers, auditors and employees of the Council, and the general expenses of the Council, and generally all other expenditure incurred in the execution of the powers and duties by law vested in the Council or its officers.

Investigations.

55. The Governor in Commission shall have power, by any official thereto authorized by him, to investigate at any time the books, records and accounts of the Council, and to inspect all work done or being done or to consider any work proposed to be done by the Council; and

the Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or decision either on the foregoing subjects or on any other subjects passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

Governor in Commission may depute powers to Commissioner.

56. The powers and duties of the Governor in Commission under this Act, except the powers conferred by Section 11, may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

Short title.

57. This Act may be cited as the Town of Fortune Act, 1946.

AN ACT TO AMEND THE RURAL DISTRICT OF SPRINGDALE-SOUTH BROOK ACT, 1945.

[20 September, 1946]

SECTION
1.—New Secs. 56A, 56B, 56C and 56D.

SECTION
2.—Short title.

A.D. 1946

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

New Secs. 56A, 56B, 56C and 56D.

1. The Rural District Springdale-South Brook Act, 1945 (No. 42 of 1945) is hereby amended by inserting therein immediately after Section 56 the following as sections 56A, 56B, 56C and 56D.

Rural District Planning Scheme.

56A.—(1) The Council shall have power to prepare a rural district planning scheme with reference to any land within the boundaries of the Rural District and may amend such scheme from time to time.

(2) A rural district planning scheme and any amendments thereto prepared by the Council shall not have effect unless it is approved by the Governor in Commission.

(3) A rural district planning scheme, when approved by the Governor in Commission, shall have effect as if it were enacted in this Act.

Power of expropriation.

56B. The Council may, for the purpose of a rural district planning scheme, purchase any land comprised in such scheme by agreement, or may acquire such land in the manner following:

(a) The Council, by a person or persons duly authorized for that purpose, may ascertain and delimit the land or property to be acquired and for such purpose such person or persons shall have the right to

enter on any land or property to ascertain and measure and obtain the description of the same.

(b) The Council shall then notify the owner in writing that the said land or property (describing and delimiting the same) is required and will be taken for the purposes of the scheme and thirty days after service of the said notice on the owner, or if the owner cannot be found, or if for any reason personal service cannot be conveniently effected, then thirty days after the posting up of the said notice in a conspicuous place upon the said land or property, the said land or property shall vest in the Council and the Council, by any person or persons duly authorized for that purpose, may enter upon and take possession thereof forthwith.

(c) In the event of the owner and the Council being unable to agree as to the amount of compensation, such amount shall be settled by arbitration as hereinafter provided.

(d) The measure of compensation shall be the value of the acquired property to the owner thereof, without regard to the purpose for which it may be acquired, after deduction therefrom of an allowance for any compensation advantages derived or to be derived by such owner from the proposed work or operations of the Council for the purpose for which such land or property was acquired.

(e) The Council shall keep a full register of all acquisitions, containing particulars of the land or property acquired, the proceedings of arbitrations, and the sums paid by way of arbitration:

Provided that before entering upon a proposal to acquire any land under such scheme, by purchase or expropria-

tion, or to dispose of any such land by sale, exchange, or in any manner howsoever, it shall be the duty of the Council in each case to prepare and submit to the Governor in Commission a detailed plan of such proposal, together with the name or names of the owner or owners of such land, and such other particulars as the Governor in Commission may require, and any such owner or owners objecting to such proposal may submit his or their objections in writing to the Governor in Commission; and provided further that no such proceedings shall be taken by the Council or by any person authorized thereby, without the approval of the Governor in Commission.

Appointment of arbitrators

56C.—(1) In all cases of arbitration the Council shall appoint one person who shall not be a member of the Council to be an arbitrator. The person prefering the claim, or his agent, shall appoint a second, and the two chosen shall appoint a third, which three persons or any two of them shall determine the amount of compensation, if any, to be paid to the party making such claim. In case either party shall refuse or neglect to appoint an arbitrator or arbitrators within seven days' notice in writing from the other so to do, or in case the two chosen arbitrators are unable to agree upon the choice of a third arbitrator, it shall be lawful for the Governor in Commission upon the application of either party, to appoint an arbitrator for the party neglecting or refusing to make such appointment, or to appoint a third arbitrator, and such arbitrator or arbitrators when so appointed shall have the same power in all respects as if appointed by either party or by the two chosen arbitrators as the case may be. And the said arbitrators may summon and require the attendance before them of all parties interested in the property or in the subject matter of the claim and all necessary witnesses, and require the production before them of all deeds and papers requisite to establish the title or interest of any party making a claim, and may examine on oath all such parties or their agents, and all such witnesses touching the mat-

ters to be enquired into by them. In cases where an award is less than one hundred dollars the fees of all three arbitrators shall be paid by the Council and the total amount of such fees shall be limited to fifteen dollars; and no plaintiff in any action against the Council or against any person acting under its authority for any act done in pursuance of this Act shall recover a verdict or judgment in such action or suit unless it shall appear to the judge at the trial that such plaintiff was prevented from having his claim adjudicated upon in the manner provided by this section by the wrongful act of the defendant Council or person.

(2) In any case where the compensation awarded exceeds, or but for the setting off of compensating advantages against it, would exceed the sum of five hundred dollars the arbitrators may allow the person whose property is taken, used, or injuriously affected, the cost and expenses of any proceedings before them, such costs to be taxed by a Master of the Supreme Court before being paid.

(3) Either the Council or the owner may within thirty days after the date of an award give notice of an appeal to the Supreme Court against the findings of the arbitrators upon any question of law or fact or upon the question of the amount of compensation. Costs in such appeal may be awarded for or against the Council at the discretion of the Court.

(4) The arbitrators shall not be directly or indirectly interested in the lands proposed to be taken.

(5) The arbitrators shall receive such compensation in the case of awards over the sum of one hundred dollars as the Council determines but nothing in this Act shall apply to cases where the Council has paid and the arbitrators have accepted in full satisfaction any compensation fixed by the Council.

(6) The finding of any two of the arbitrators shall be deemed to be an award by the arbitrators.

(7) The finding of the arbitrators shall be in writing and shall be made within sixty days of their appointment, unless such time be extended by them, and immediately upon being made shall be delivered to the Council, and the amount of compensation shall be paid within six months of the date of the finding: Provided that if such compensation l is not paid within thirty days after the receipt by the Council of the finding it thereafter shall bear interest at the rate of six per centum per annum until date of payment.

Payment of award.

56D.—(1) The Council may pay the amount awarded by the arbitrators into the Supreme Court and deliver to the Registrar a copy of the award in the following cases:

(a) if there are any claims or encumbrances on the lands taken;

(b) if the owner or owners of the land, or any of them is, or are, unknown;

(c) if the person to whom compensation is awarded to be paid cannot be found;

(d) if there is any dispute as to the ownership of the land;

(e) if there is any dispute as to the person to whom compensation shall be paid; or

(f) if for any other reason the Council deems it advisable.

(2) The person or persons entitled to such amount shall, on establishing his or their rights thereto on an application

to the said Court or a judge thereof be entitled to have the same paid over to him or them on the order of the Court or judge.

2. This Act may be cited as the Rural District of Springdale-South Brook (Amendment) Act, 1946. Short title.

AN ACT FURTHER TO AMEND THE ACT 18 GEORGE V, CHAPTER 9, ENTITLED "AN ACT RESPECTING PATENTS".

[20 September, 1946]

SECTION 1.—Amdt. Sec. 10.

A.D. 1946. *Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:*

Amdt. Sec. 10. 1. Section 10 of the Act 18 George V, Chapter 9, entitled "An Act Respecting Patents", as heretofore amended, is hereby further amended by striking out subsection (1) thereof and substituting therefor the following:

(1) Subject to the provisions of Section 1 of this Act, any inventor who obtains or has obtained a patent for his invention in any other country or countries before obtaining a patent for the same invention in Newfoundland, may obtain a patent in Newfoundland if the patent is applied for within three years from the date of issue of the first foreign patent for such invention: Provided that the Commissioner for Home Affairs and Education may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under this Act, for doing any act, where he is satisfied—

(a) that the doing of the act within the time so limited was prevented by circumstances arising from the existence of a state of war which, in the opinion of the Commissioner, would justify an extension of the time so limited, or

(b) that, by reason of circumstances arising from the existence of a state of war, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

AN ACT TO AMEND THE LOCAL ADMINISTRATION ACT, 1937

[20 September, 1946]

SECTION 1.—Amdt. Sec. 1.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

1. Paragraph (a) of Section 1 of the Local Administration Act, 1937, is hereby repealed and the following substituted therefor: Amdt. Sec. 1.

(a) "Commissioner" means the Commissioner for Public Health and Welfare.

AN ACT FURTHER TO AMEND THE HEALTH AND PUBLIC WELFARE ACT, 1931.

[20 September, 1946]

SECTION 1.—Amdt. Sec. 410.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amdt. Sec. 410.

1. Section 410 of the Health and Public Welfare Act, 1931, as enacted by the Act No. 3 of 1945, is hereby amended by inserting immediately after subsection (4) of the said section as subsection (4A) the following:

(4A) The Commissioner may by regulation published in the Newfoundland Gazette, exempt from the operation of all or any of the provisions of Sections 410, 411 and 412 of this Act, any of the drugs set out in subsection (3) of this section, either absolutely or when contained in a mixture with other active drugs in proportions fixed by such regulation.

AN ACT TO CONTINUE IN FORCE THE EMERGENCY POWERS (DEFENCE) ACT, 1940.

(19th September, 1946)

SECTION
1.—Extension of Act for one year: Proviso.
SECTION
2.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946

1.—(1) Anything in the Emergency Powers (Defence) Act, 1940, to the contrary notwithstanding, the said Act shall continue in force for a further period of one year from the 20th day of September, 1946, and shall then expire: Provided that, if at any time while the said Act is in force, it shall appear expedient to the Governor in Commission that it should be continued in force for a further period of one year from the time at which it would otherwise expire, the Governor in Commission may by Order in Commission direct that it shall continue in force for that further period. Extension of Act for one year: Proviso.

(2) Notwithstanding anything in the preceding subsection, if the Governor in Commission by Order in Commission declares that the emergency that was the occasion of the passing of the said Act has come to an end, the said Act shall expire at the end of the day on which the Order is expressed to come into operation.

(3) The expiry of the said Act shall not affect the operation thereof as respects things previously done or omitted to be done.

Short title.

2. This Act may be cited as the Emergency Powers (Defence) Extension Act, 1946, and the Emergency Powers (Defence) Act, 1940, and this Act may together be cited as the Emergency Powers (Defence) Acts, 1940-1946.

AN ACT TO INCORPORATE THE RURAL DISTRICT OF BADGER'S QUAY-VALLEYFIELD-POOL'S ISLAND

(5th October, 1946)

SECTION

1.—Name of Rural District.
2.—Boundaries of Rural District.
3.—Rural District Council constituted.
4.—Qualifications of Councillors.
5.—(1) Appointment of first Council.
(2) Term of office.
(3) Vacancies.
6.—(1) Appointment and election of members of second Council.
(2) Retirement of three members after four years.
(3) Re-appointment of four members for two years.
(4) Vacancies.
(5) Publication of appointments.
(6) Election of councillors to replace those retiring.
(7) Term of office of elected councillors.
7.—Election of councillors and subsequent term of office thereof.
8.—Bye-elections.
9.—Retiring councillors eligible for re-appointment or re-election.

SECTION

10.—Qualifications of voters.
11.—(1) Regulations for holding of elections.
(2) Costs of elections.
12.—Appointment of chairman and vice-chairman.
13.—Vacation of office by councillors.
14.—Duties of chairman and vice-chairman.
15.—Quorum and voting.
16.—Council to regulate its proceedings.
17.—Financial year of Council.
18.—(1) Rural District Fund.
(2) Bank account.
19.—Yearly budget to be submitted.
20.—Revised budget may be submitted during financial year.
21.—(1) Budget to be approved.
(2) Approval withdrawn when budget revised.
22.—Council's expenditure limited to budget.
23.—(1) Records, accounts and report.

SECTION

(2) Report to include financial statements
(3) Signing of account and auditor's certificate.
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24.—(1) Appointment of auditors.
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SECTION

37.—Right to enter and survey.
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Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

A.D. 1946.

Name of Rural District.

1. The towns or settlements (in this Act hereinafter called "the Rural District") situated within the boundaries hereinafter defined shall be named Badger's Quay-Valleyfield-Pool's Island.

Boundaries of Rural District.

2. The boundaries of the Rural District shall be as follows: All that area situate, lying and being on the northern side of Bonavista Bay in the District of Bonavista North being more particularly described as follows: Commencing at a point in the southernmost angle of the shore at Thomas Noel's Cove at high water mark; thence following the shore at high water mark of Thomas Noel's Cove, Hermit Cove, to Hermit Cove Point; thence running South ten degrees East one mile; thence running South one-half mile; thence running West three-quarters of a mile; thence running North forty degrees West one and one-half miles; thence running South seventy-two degrees West one-half mile to the northern shore of South West Arm; thence running North forty degrees West four thousand seven hundred and fifty (4,750) feet; thence running North twenty degrees East one and one-quarter miles; thence running South fifty degrees East one and one-half miles to the southern boundary of the town of Wesleyville; thence running East one-half mile to the point of commencement. All bearings are referred to the True Meridian.

Rural District Council constituted.

3. There shall be a Rural District Council for the control and management of the Rural District consisting of seven persons which shall be a corporation having perpetual succession and a common seal and which shall be capable of suing and being sued in the name of the Rural District of Badger's Quay-Valleyfield-Pool's Island.

Qualifications of Councillors.

4. Any person shall be qualified to be appointed or elected as a councillor who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Rural District for at least one year immediately preceding the appointment or the date set for the election as the case may be; and

(c) is liable to taxation under this Act; and

(d) is not indebted to the Council for any arrears of taxes; and

(e) is not disqualified by mental incapacity.

Appointment of first Council.

5.—(1) The first Council shall be appointed by the Governor in Commission.

Term of office.

(2) The term of office of the first Council shall be four years from the time of appointment and such further time not exceeding six months as shall be determined by the Governor in Commission.

Vacancies.

(3) The Governor in Commission may make any appointment necessary to fill any vacancy in the first Council during the said term of office.

Appointment and election of members of second Council.

6.—(1) The membership of the Council which shall take office upon the expiration of the term of office of the first Council shall be determined in the manner hereinafter in this section provided.

Retirement of three members after four years.

(2) In the last month of the fourth year of the term of office of the first Council or at such other time as shall be appointed by the Governor in Commission the Council

shall draw lots for the retirement of three of its members and shall notify the names thereof to the Governor in Commission.

Re-appointment of four members for two years.

(3) The Governor in Commission shall reappoint to the Council to hold office for a further period of two years the members of the first Council whose names have not been notified as subject to retirement and in the event that any of such members shall be unable or unwilling to act the Governor in Commission may appoint others in their stead for such term.

Vacancies.

(4) If the office of any of the members of the Council appointed under subsection (3) of this section shall become vacant during the said term of two years the Governor in Commission may appoint a person in his stead for the remainder of the said term.

Publication of appointments.

(5) The appointments made under subsection (3) of this section shall be published in the Newfoundland Gazette prior to the expiration of the term of office of the first Council.

Election of councillors to replace those retiring.

(6) Subsequent to the publication of the names of the four appointed members as hereinbefore provided, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of elections of members to replace the retiring members of the Council.

Term of office of elected councillors

(7) The members elected to replace the retiring members as provided in subsection (6) of this section shall hold office for a period of four years.

Election of councillors and subsequent term of office thereof.

7. Upon the expiration of the term of office of members appointed by the Governor in Commission under the last preceding section, an election shall be held for the selection of four members to replace them, who shall hold office

for a period of four years. Thereafter elections shall be held every two years to select three or four members as the case may be to serve for periods of four years to replace members whose term of office has expired at the date of each election.

Bye-elections

8. In the event of a vacancy occurring in the office held by any elected member of the Council at any time prior to six months before the expiration of the term of office of such member, the Governor in Commission shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of a bye-election of a member in replacement, who shall hold office for the unexpired term.

Retiring councillors eligible for re-appointment or re-election.

9. Councillors whose term of office has expired shall be eligible for re-appointment and re-election.

Qualifications of voters.

10. Any person shall be qualified to vote in an election of councillors, who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Rural District for at least one year preceding the date set for the election; and

(c) is liable to taxation under this Act; and

(d) is not disqualified by mental incapacity.

Regulations for holding of elections.

11.—(1) The Governor in Commission may make regulations for the holding of elections under this Act which shall be published in the Newfoundland Gazette and which may provide penalties for any breach thereof not to exceed five hundred dollars and in default of payment imprisonment for six months.

(2) All costs of the holding of elections shall be paid out of the funds of the Council. Costs of elections.

12.—(1) The Governor in Commission shall appoint a member of the first Council to be chairman and every subsequent Council shall appoint its own chairman. Appointment of chairman and vice-chairman.

(2) Every Council shall also appoint one of its own members to be vice-chairman who shall in the absence of the chairman exercise his powers and duties.

13. A councillor shall vacate his office if he— Vacation of office by councillors.

(a) shall tender his resignation in writing to the chairman;

(b) shall cease to be resident of the Rural District;

(c) shall be absent from the Rural District for more than twelve calendar months at any one time;

(d) shall be declared insolvent or make a composition or arrangement with his creditors; or

(e) shall be removed by unanimous vote of the other members of the Council for cause and with the approval of the Governor in Commission.

14. The chairman or in his absence the vice-chairman shall preside at all meetings of the Council and enforce order and his decision on all points of order shall be final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman. Duties of chairman and vice-chairman.

15.—(1) A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council. Quorum and voting.

(2) Every disputed question shall be decided by a majority of the votes of the members of the Council present including the chairman.

(3) The chairman, when there is an equality of votes inclusive of his own vote, shall have a casting vote.

Council to regulate its proceedings.

16. The Council shall have power to regulate its own proceedings.

Financial year of Council

17. The financial year of the Council shall be from the first day of April to the thirty-first day of March next following, except in the first year when it shall be from the day of appointment of the Council until the thirty-first day of March next following.

Rural District Fund.

18.—(1) All moneys collected or received by the Council from taxes, levies, fees, loans or grants shall constitute a fund to be called the Rural District of Badger's Quay-Valleyfield-Pool's Island Fund (hereinafter called the Rural District Fund) which shall be under the direction and control of the Council subject to this Act.

Bank account.

(2) All moneys received by the Council in respect of the Rural District Fund shall be lodged with a bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such other officer of the Council as is appointed for the purpose.

Yearly budget to be submitted.

19. The Council shall not later than the first day of March in each year prepare and submit to the Governor in Commission a budget containing—

(a) an estimate of the balance of the Rural District Fund at the beginning of the ensuing financial year;

(b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;

(c) an estimate of its receipts from various taxes and any other source of income in the next ensuing financial year; and

(d) any other information in relation to the foregoing which the Governor in Commission may require.

Revised budget may be submitted during financial year.

20. If at any time during the financial year in respect of which a budget has been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure then the Council may, and if required by the Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and payments and of outstanding liabilities up to the date of submission.

Budget to be approved.

21.—(1) The Governor in Commission may approve or disapprove a budget submitted by the Council.

Approval withdrawn when budget revised.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect.

Council's expenditure limited to budget.

22. Save with the approval of the Governor in Commission, the Council shall not have power in any year to incur, enter upon or contract or become liable for any ex-

penditure or indebtedness beyond or in excess of the estimated amount of payments set out in an approved budget.

Records, accounts and report.

23.—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of account are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith.

Report to include financial statements.

(2) The report submitted by the chairman under the preceding subsection shall include an account made up to the thirty-first day of March preceding, setting out the Council's income and expenditure during the preceding year and a statement of its assets and liabilities.

Signing of account and auditor's certificate.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto any report thereon which the auditor may have made to the Council.

Publication of account and auditor's certificate and report.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Rural District and, if there shall be no such newspaper, in any other newspaper published in Newfoundland and circulating in the Rural District.

Appointment of auditors.

24.—(1) The Governor in Commission shall appoint from time to time one or more persons to audit the accounts of the Council.

Powers of auditors.

(2) An auditor appointed under this section shall at any time have authority to call for and shall be supplied

with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council.

Auditor's interim report.

(3) Whenever the auditor shall have made an interim examination of the Council accounts during the course of the financial year he shall submit a report thereon to the chairman of the Council and to the Governor in Commission.

Auditors' report on yearly account.

(4) The auditor or auditors shall examine and report on the annual account of the Council required to be made under subsection (2) of Section 23 hereof and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept, the adequacy of the safeguards against fraud and any other matters connected with the accounts which he or they may consider of sufficient interest or importance to mention.

Appointment of officers and servants.

25. The Council shall have power, subject to the approval of the Governor in Commission, to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants.

Meetings to be public ordinarily.

26. Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

Bi-monthly meetings to be held.

27. There shall be a meeting of the Council at least twice every month for the dispatch of general business.

Special meetings.

28. Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

CONTROL OF BUILDING

Control of building, sanitation and water supply.

29.—(1) From and after the date of the passing of this Act no person shall within the Rural District—

(a) commence any building;

(b) extend or repair any building;

(c) build, construct or make any privy, cesspit, cesspool, septic tank or sewer;

(d) make or use any new water supply;

save under and in accordance with the terms of a permit in writing from the Council.

(2) The Council, with the approval of the Governor in Commission, may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Rural District.

(3) Every permit given by the Council shall be subject to such rules and regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, cesspit, cesspool, septic tank, sewer or water supply, affix and keep affixed in a conspicuous position upon

or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

Penalty.

30. If any person commits a breach of any of the provisions of the last preceding section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Removal of building, etc., erected otherwise than under permit.

31.—(1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy, cesspit, cesspool, septic tank, sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made, to any privy, cesspit, cesspool, septic tank, sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who refuses or fails to obey the same shall

also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

CONTROL OF SANITARY CONDITIONS

Discovery and removal of nuisances.

32.—(1) The Council or any person appointed by the Council for that purpose may open and enter or may authorize a police constable or ranger to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provisions of subsection (1) of this section shall not be complied with, or so far complied with as the Council may regard as reasonable, within the time specified in the order, then such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or the occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Rural District, the Council may cause any nuisance,

filth, rubbish or insanitary matter thereon to be removed or destroyed or any insanitary condition thereon to be amended and the cost of such removal, destruction or amendment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

Destruction of burnt, dilapidated or dangerous buildings.

33.—(1) The Council or any person appointed by the Council may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may, after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council, adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order has been served who refuses or fails to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Rural District, the Council may cause such building or dwelling to be pulled down and the

debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

STREETS AND ROADS

Roads, streets and bridges.

34. The Council shall have the control and management of all roads, streets and bridges within the Rural District, other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

Breaking of streets, erection of scaffolding, etc.

35. No person shall break up the soil of any street or erect or place in any street, sidewalk, road or lane, any structure without first notifying the Council of the purpose for which such breaking up or structure is required and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to it to require.

DRAINS AND SEWERS

Establishment and maintenance of drains, sewers and water supply pipes.

36.—(1) The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

Expropriation of drains and sewers.

(2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along the street, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer as may be agreed or determined by arbitration.

Right to enter and survey.

37. The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act

Right to enter and construct sewers, etc.

38.—(1) The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing in the Rural District and to break up, dig, excavate, and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Diversion of watercourses.

(2) The Council shall have the power to alter or divert any watercourse within the Rural District for the purpose of the improvement of such watercourse or of the sewerage of the Rural District, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as may be deemed by the Council to be necessary and expedient, and the Council

shall have power for the purposes aforesaid to enter upon all lands within the Rural District, and to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of the said buildings and erections as may be necessary for the said purposes and shall compensate any person injuriously affected thereby in such sum as may be agreed and if no agreement can be made, in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

Establishment and maintenance of public water supply.

39. The Council shall have the power, subject to the approval of the Governor in Commission—

(a) to establish, own and operate a public water supply system and to make regulations for the control and management thereof;

(b) to acquire and take possession of any lakes or ponds within or adjacent to the Rural District for the purpose of providing a sufficient supply of water for public purposes;

(c) to take possession and control of the Crown Lands and to acquire by purchase or otherwise any private lands, surrounding any of the said lakes or ponds to the extent of four hundred yards from the margin thereof for the purpose of preventing the pollution of the waters thereof.

Power of Council to operate Fire Department.

40. The Council shall have the power, subject to the approval of the Governor in Commission—

(l) for restricting and regulating the running at large or disposing of any animals and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time;

(m) for providing for the collection of garbage and imposing duties upon owners or occupiers of buildings or premises to facilitate such collection;

(n) in relation to the digging, building or construction of wells or other sources of water supply for domestic purposes and for the prevention of the contamination or fouling of such water supply and for the securing that at all times such water supply shall be fit for use as aforesaid;

(o) for prohibiting the digging, construction, maintenance or use of ditches, drains or culverts which the Council may consider dangerous to public health;

(p) for prohibiting the sweeping into or depositing upon any street or public place and the accumulation on any property or premises of garbage, rubbish, ashes, cans, bottles or the like, or any insanitary or unsightly matter;

(q) for controlling or regulating vehicular and other traffic;

(r) for collection of taxes;

(s) for licensing of dogs;

(t) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(d) for the payment of any tax by services or materials of any equal value when in the opinion of the Council the taxpayer is unable to pay in cash;

(e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health or safety;

(f) for regulating the keeping of animals within the Rural District and the places where the same may be kept;

(g) for prohibiting the use of any form of, or any mode of management of, baths, water closets, soilpans, sinks, cesspits, cesspools, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;

(h) for the protection of drains, sewers and water supply pipes and for keeping the same free from obstruction;

(i) for the numbering of all buildings, and the marking and naming of new streets or roads;

(j) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;

(k) for providing that all privies, cesspits, cesspools, septic tanks, and other like places or arrangements for the reception or disposal of foul matter shall conform to such requirements as may be set by the Council in respect of construction, location, maintenance, cleansing and disinfection;

(a) to establish, operate and maintain a fire department and to provide a fire hall, fire engines, hydrants, apparatus and appliances for purposes of fire protection;

(b) to organize and maintain a volunteer fire brigade and to make rules and regulations for the control and management of such services and for the prevention of fire; and

(c) to enter into agreements with other Towns or Rural Districts for joint fire protection.

LOCAL REGULATIONS

Regulations.

41.—(1) Subject to the approval of the Governor in Commission, the Council shall have power to make regulations, applicable within the Rural District, for dealing with the following classes of subjects, and may from time to time amend or repeal any such regulations, that is to say—

(a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;

(b) for the shovelling of snow and the clearing of roads in winter;

(c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupiers of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;

(2) The Council may prescribe in such regulations a penalty not exceeding one hundred dollars for the violation of any regulations made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulations as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulating in the Rural District or by poster or otherwise as the Council may direct.

POWERS OF TAXATION

Stock tax.

42.—(1) There shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Rural District a tax, to be known as the stock tax, of twenty cents for every one hundred dollars of value of his stock in trade as at the end of the preceding fiscal or calendar year as hereinafter determined.

(2) For the purpose of this section the occupier of every shop, store, warehouse or factory within the limits of the Rural District shall, when required by the Council so to do, furnish it with a statement of the value of his stock in trade as at the end of the preceding fiscal or calendar year as shown in his returns made under the Income Tax Consolidation Act, 1944, to the Assessor of Taxes: Provided that in any case where such occupier has not made such return to the Assessor of Taxes he shall furnish to the Council, when required so to do, a statement, duly sworn to by him, of the value of his stock in trade as at the end of the preceding fiscal or calendar year.

(3) It shall be lawful for the Assessor of Taxes upon inquiry of the Council to disclose whether or not the

statement of stock in trade reported to the Council under the provision of subsection (2) of this section is the same as the stock in trade reported to the Assessor.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

(5) Any person required to furnish to the Council the statement of his stock in trade under the provisions of subsection (2) of this section, who —

(a) furnishes to the Council a false statement of his stock in trade shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment; or

(b) fails or neglects to furnish the statement of his stock in trade to the Council shall be subject on summary conviction to a penalty not exceeding ten dollars per day for each day during which the default continues.

Business tax.

43.—(1) The Council shall have power, subject to the approval of the Governor in Commission, to impose an annual tax or licence fee of not less than two dollars and fifty cents nor more than fifty dollars on persons or companies carrying on within the Rural District any business, trade or profession and may vary the same in respect of businesses, trades or professions of different kinds and in respect of premises upon which more than one business, trade or profession is carried on.

(2) The said tax or licence fee may be fixed within the limits above mentioned by the Council in respect of any person or company or class of persons or companies in accordance with the Council's opinion as to the value or magnitude of the business done by such person or com-

pany or class of persons or companies, which opinion shall be final.

(3) The taxes or licence fees imposed under subsections (1) and (2) of this section shall be payable in each year on such date as shall be determined by the Council.

(4) In the case of a person or company commencing any business, trade or profession, as the case may be, after the taxes or licence fees for the year have been fixed under the provisions of this section, the Council may make a special assessment for the remainder of the current year, which shall thereupon become payable.

Amount of tax; hearing by Council of person aggrieved.

44. Any person or company deeming himself or itself aggrieved by the amount of the tax or licence fee fixed upon his or its business, trade or profession, as the case may be, by the Council under the provisions of Section 43 of this Act, may request a hearing by the Council, and reconsideration by it: Provided that upon such reconsideration the Council may require him or it to make or furnish a statutory declaration as to the amount or value of business done by him or it and may require the production of his or its book for examination.

Entertainment tax.

45.—(1) The Council shall have power to impose a tax, to be known as the entertainment tax, upon all stage performances, entertainments, circuses or shows, save in the case where all the proceeds are to be used for charitable, educational or religious purposes.

(2) The entertainment tax may be imposed either directly upon the persons or companies responsible for the management of any such entertainments or upon the payments made for admission thereto, and may in either case be collected at such times and in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice

to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by ticket to be procured from the Council by the persons or companies responsible for the management thereof.

(3) The rate of the entertainment tax may be fixed from time to time by the Council subject to the approval of the Governor in Commission and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

Sundry taxes.

46.—(1) In addition to the foregoing the Council shall have power to impose, sue for and collect the following taxes or levies:

(a) a Rural District service fee of five dollars, to be paid by the following persons:

(i) All male residents of the age of twenty-one years or more residing or employed in the Rural District for a period of three months or more;

(ii) All non-resident persons, companies or firms, who own real property within the Rural District to the value of one hundred dollars or more;

(iii) All females of the age of twenty-one years or more resident in the Rural District, but not residing with a member of the household who is liable to pay the said Rural District service fee, who—

(aa) own any real property in the town to the value of one hundred dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more:

Provided that the Council may, upon the certificate of the Relieving Officer, exempt any female in indigent circumstances from payment of the fee imposed by subparagraph (iii) of this paragraph when the payment of the fee will constitute a hardship.

For the purpose of this subsection the word "household" shall mean a number of persons related by blood or adoption to the female from whom the tax is sought to be collected and residing in the same house or tenement.

(b) A tax of five dollars, payable not more than once in every year, on every commercial agent doing or soliciting any business in the Rural District but not upon an agent who is a Newfoundlander and does or solicits business for Newfoundland firms or companies only.

(c) A tax of not less than five dollars nor more than ten dollars, payable not more than once in every year, on every motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Rural District for hire or reward.

(d) A tax of not less than two dollars and fifty cents nor more than five dollars, payable not more than once in every year, on all motor vehicles (other than those referred to in paragraph (c) of this subsection) ordinarily operated from within the limits of the Rural District, whether for hire, reward, or for any other purpose whatsoever.

(e) A tax of one dollar, payable not more than once in every year, on every motor-cycle operated from within the limits of the Rural District.

(f) A tax of fifty cents, payable not more than once in every year, on every horse-drawn vehicle ordinarily operated from within the limits of the Rural District for hire or reward.

(g) A tax of fifty cents, payable not more than once in every year, on every bicycle operated from within the limits of the Rural District.

(h) Such sums as the Council may from time to time with the consent of the Governor in Commission impose on any property served by any Rural District system of water or sewerage service.

(2) No tax imposed under paragraph (h) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by pipes. The consent in such cases may be obtained either in writing from such owners individually or by resolution passed at a meeting of such owners called for that purpose.

(3) For the purpose of this section the word "owner" or any grammatical variation thereof when used in relation to land shall mean the owner of the freehold.

Penalty for operating without payment of tax or licence fee.

47. Any person who shall—

(a) carry on any business, trade or profession in respect of which a tax or licence fee is payable under the provisions of Section 43 of this Act;

(b) carry on any stage performance, entertainment, circus or show in respect of which a tax is payable under the provisions of Section 45 of this Act;

(c) being a commercial agent, other than a Newfoundlander doing or soliciting business for Newfoundland firms or companies only, do or solicit any business in the Rural District;

(d) operate within the Rural District any motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Rural District for hire or reward; or

(e) operate a motor vehicle (not operated as a bus or passenger car) motor cycle, bicycle or any horse drawn vehicle from within the limits of the Rural District;

without having first paid the tax or licence fee therefor, shall be liable on summary conviction to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days, and every repetition of the said act shall be deemed to be a separate offence.

Taxes to be settled annually.

48. The amount of fees or taxes payable under paragraphs (a), (b), (c), (d), (e), (f) and (g) of subsection (1) of Section 46 of this Act shall be settled each year by the Council and posted in at least two conspicuous places in the Rural District between the first and fifteenth days of April. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

Prohibition of exemption or remission from taxes save with approval of Governor in Commission

49.—(1) Whenever it shall be made to appear to the Council that any exemption from taxes or any remission of taxes or of the interest thereon, in whole or in part, is desirable, the Council may, upon the unanimous vote of the members of the Council present at a meeting, represent to the Governor in Commission that such exemption or remission should be granted and if the Governor in

Commission shall approve such exemption or remission the same may be granted but subject to such conditions as the Governor in Commission may impose.

(2) Save as hereinbefore in this section or otherwise specifically provided, the Council shall not grant any such exemption or remission from taxes to any person, firm or company, and no contract, agreement or stipulation with any person, firm or company for such exemption or remission from taxes shall be valid.

Interest on taxes in arrears.

50. All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such taxes become due.

Publication of taxes; consent or approval of Governor in Commission thereto.

51. The Council shall publish in the Newfoundland Gazette and post in at least two conspicuous places in the Rural District a copy of every minute of the Council whereby any tax is imposed and where the consent or approval of the Governor in Commission to such tax is required shall also publish therewith a notice of the date when such consent or approval was given.

Contracts.

52. All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document and all contracts not under seal when duly authorized by the Council shall be signed by the chairman.

Actions, notice of.

53. No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly con-

tained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

Power to borrow.

54. The Council shall have power subject to the approval of the Governor in Commission to borrow moneys and to issue securities for the repayment of moneys borrowed.

Powers of expenditure.

55. The Council shall have power to appropriate and pay out of the funds at its disposal salaries or remuneration to officers, auditors and employees of the Council and the general expenses of the Council and generally all other expenditures incurred in the execution of the powers and duties by law vested in the Council or its officers.

Investigations.

56. The Governor in Commission shall have power by any official thereto authorized by him to investigate at any time the books, records and accounts of the Council and to inspect all work done or being done or to consider any work proposed to be done by the Council; and the Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or decision either on the foregoing subjects or on any other subjects passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

Governor in Commission may depute powers to Commissioner.

57. The powers and duties of the Governor in Commission under this Act except the powers conferred by Section 11, may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

Short title.

58. This Act may be cited as the Rural District of Badger's Quay-Valleyfield-Pool's Island Act, 1946.

AN ACT TO VEST IN THE COMMISSIONER FOR PUBLIC UTILITIES CERTAIN LAND AT CLARENVILLE.

SECTION 1.—Land to vest in Commissioner for Public Utilities.
SECTION 2.—Short title. Schedule.

(5th October, 1946)

WHEREAS by virtue of the powers conferred on him by the Defence (Requisitioning of Land) Regulations, the Commissioner for Public Utilities by notice bearing date the twelfth day of September, A.D. 1942, took possession of the piece or parcel of land situate at Clarenville and described in the Schedule to this Act;

AND WHEREAS it is considered expedient to vest indefeasibly in the said Commissioner the said land with easements and rights appurtenant thereto.

A.D. 1946.

Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Land to vest in Commissioner for Public Utilities.

1. The land, with easements and rights appurtenant thereto, described in the Schedule to this Act is hereby declared to be vested indefeasibly in the Commissioner for Public Utilities in fee simple.

Short title.

2. This Act may be cited as the Clarenville Land Vesting Act, 1946.

Schedule.

SCHEDULE

ALL THAT piece or parcel of land situate and being at Clarenville in the District of Trinity North abutted and bounded as follows, that is to say: By a line commencing at a point on the high water line of North West Arm of

Random Sound, distant North fifty-nine degrees East ninety-three (93) feet from the northeasterly corner of the public wharf at Clarenville; thence running by land of William Stanley North sixteen degrees thirty minutes East twenty-nine (29) feet and North twenty-six degrees thirty minutes West fifty-five (55) feet and North fifty-five degrees West fifty-four (54) feet and North thirty-five degrees forty-five minutes East ninety (90) feet and North twenty-nine degrees thirty minutes West ninety-seven (97) feet; thence by the main road through Clarenville North seventeen degrees East one hundred and forty (140) feet and North fourteen degrees thirty minutes East fifty (50) feet; thence by land of Arthur Stanley North seventy-three degrees East sixty (60) feet and North fifty-five degrees thirty minutes East one hundred and forty-one (141) feet and South eighty-two degrees thirty minutes East four hundred (400) feet; thence along the high water line of the aforesaid North West Arm of Random Sound in a southwesterly direction eight hundred and forty (840) feet more or less to the point of commencement, and containing five (5) acres and ten (10) perches. All bearings magnetic.

AN ACT FURTHER TO AMEND THE ACT 60 VICTORIA CHAPTER 20 ENTITLED "AN ACT TO INCORPORATE THE ST. JOHN'S STREET RAILWAY COMPANY AND FOR OTHER PURPOSES".

(5th October, 1946)

SECTION
1.—Interpretation.
2.—Repeal and substitution Sec. 9.
3.—Repeal and substitution Sec. 29.
4.—Amdt. Sec. 31.
SECTION
5.—Repeal and substitution Sec. 38.
6.—Removal of tracks of St. John's Street Railway.
7.—Repeal.
8.—Coming into force.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Interpretation.

1. In this Act and in the Act 60 Victoria, Chapter 20, entitled "An Act To Incorporate the St. John's Street Railway Company and for other purposes", the word "Company" means The Newfoundland Light and Power Company, Limited.

Repeal and substitution Sec. 9.

2. Section 9 of the said Act is hereby repealed and the following substituted therefor:

9. The Company shall have power to generate electricity and to sell and dispose of any electricity to any corporation or persons for power, light or heating purposes, and shall have all the powers of a company formed for the purposes of supplying light, heat and power by means of electricity, and shall have the right to erect poles and wires in and through the streets of St. John's and country adjacent thereto, for the purpose of distributing the electricity produced by it at any power-house or power-houses, and also, if it deems it advisable, for the purpose of delivering electricity for the operation of any street car or trolley bus system operated by it or by any other corporation or person.

3. Section 29 of the said Act as amended by the Act No. 52 of 1944 is hereby repealed and the following substituted therefor: Repeal and substitution Sec. 29.

29. The Municipal Council or other municipal body having charge of the municipal affairs of the town of St. John's may, after the lapse of sixty years from the date of this charter, purchase the undertaking, plant, property, assets and rights of the Company as a going concern, upon giving to the Company three years' notice of their intention so to do and in case the Council shall decide to exercise the right reserved by this section, the value of the said undertaking, plant, property, assets and rights of the Company shall be appraised by three experienced arbitrators, one to be appointed by the Company, one by the Council, and the third by the said two so appointed; and in the event of the said two arbitrators not agreeing upon a third, then such third arbitrator shall, upon the application of either party within one month after due notice, be appointed by the Supreme Court, and the award of any two such arbitrators shall be final and binding between the parties; and in the event that the Council shall not after the lapse of the said period of sixty years exercise the rights of preemption hereunder, the rights and privileges granted by this Act shall continue until the Council shall exercise the said right of preemption.

4. Section 31 of the said Act is hereby amended as follows: Amdt. Sec. 31.

(a) By striking out subsection (3) of the said section as amended by the Act No. 52 of 1944 and substituting therefor the following:

(3) The Company shall pay to the Council annually in the month of January, a sum equal to two per centum of the gross receipts collected by it during the previous year up to the thirty-first day of December, from the

sale of electricity for light, heat and power purposes within the city limits.

(b) By striking out from subsection (4) of the said section the words "tolls, fares and".

Repeal and substitution Sec. 38.

5. Section 38 of the said Act is hereby repealed and the following substituted therefor:

38. The electric poles used by the Company within the Municipal limits may be removed from one point to another at the request in writing of the City Engineer, and at the expense of the Company, upon reasonable and sufficient cause being shown by the Council for such removal.

Removal of tracks of St. John's street railway.

6. The tracks of the St. John's street railway may be removed by the St. John's Municipal Council and the cost of such removal and of the restoration and repair of that portion of the street between the said tracks and within two feet on each side of the said tracks occasioned only by the removal of the said tracks shall be borne by the Company and paid for at the rate agreed between the Council and the Company: Provided that the Company shall not be liable for the cost of restoration or repair of any portion of that section of Water Street extending from Hutchings Street to Holloway Street occasioned by the removal of the said tracks. The Council shall be entitled to have, possess, sell or dispose of the said tracks without any right to compensation on the part of the Company.

Repeal.

7. Sections 8, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49 and 50 of the said Act are hereby repealed.

Coming into force.

8. This Act shall come into force on such date as the Governor in Commission shall by Proclamation declare, upon request of the St. John's Municipal Council.

AN ACT TO CONFIRM A CROWN GRANT TO NEW YORK, NEWFOUNDLAND AND LONDON TELEGRAPH COMPANY OF CERTAIN MINING PROPERTY AT LAMANCHE, PLACENTIA BAY AND FOR CERTAIN OTHER PURPOSES.

(14th November, 1946)

SECTION
1.—Confirmation of Grant.
2.—Royalty.
SECTION
3.—No other provisions in Grant.

WHEREAS by Crown Grant bearing date the 6th day of March, 1857, the Crown granted to the New York, Newfoundland and London Telegraph Company ALL THAT piece or parcel of land situate and being at LaManche Cove, Placentia Bay, in the District of Placentia and St. Mary's, abutted and bounded as follows that is to say: By a line commencing at a point being the southwest angle of land granted to New York, Newfoundland and London Telegraph Company being Grant No. 5432 and registered in Volume 38 Folio 3 in the Department of Natural Resources; running thence by said land North sixty-seven degrees fifty-two minutes East a distance of fourteen thousand four hundred feet more or less; thence turning and running by Crown Land South twenty-two degrees eight minutes East for a distance of five thousand two hundred and eighty feet more or less to a point on the northern boundary line of land granted to New York, Newfoundland and London Telegraph Company being Grant No. 5431 and registered in Volume 38 Folio 5 in the Department of Natural Resources; running thence by said land South sixty-seven degrees fifty-two minutes West seventeen thousand three hundred feet more or less to a point at high water mark on the shoreline of LaManche Cove aforesaid; running thence by the said shore line at high water mark in a northerly direction to the place of commencement, containing an area of nineteen

hundred and twenty acres more or less together with all minerals thereon and thereunder. Bearings from the True Meridian;

AND WHEREAS the said Grant has been lost;

AND WHEREAS it is represented that sale of the said land is being impeded and its development delayed on account of the loss of the Grant;

A.D. 1946

Be it therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Confirmation of Grant.

1. The said Grant is good, valid and subsisting.

Royalty.

2. The said Grant is subject to a provision for payment to the Crown of a royalty of five per centum upon the net profits derived from the sale of all minerals produced from the operation of the said property; and pursuant to the express provision of Section 12 of Chapter 47 of the Consolidated Statutes of Newfoundland (1872) entitled "Of Mines and Minerals" the Grantee and its assigns are and shall be exempt from the payment of all past and future royalty and forfeiture on account thereof payable or incurred under the said Grant from ores or minerals extracted from land in the said Grant mentioned to the extent of one square mile in one block, to be defined by survey and to include the said mine known as the LaManche Mine on which a large expenditure has been made.

No other provisions in Grant.

3. The said Grant contains no provisions, covenants, conditions or stipulations other than those herein set forth anything to the contrary notwithstanding.

AN ACT FURTHER TO AMEND THE ST. JOHN'S MUNICIPAL ACTS, 1921-1945.

(7th November, 1946)

SECTION
1.—Repeal and substitution Section 195.
SECTION
2.—Schedule F added.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

A.D. 1946.

Repeal and substitution Sec. 195.

1. Section 195 of The St. John's Municipal Act, 1921, is hereby repealed and the following substituted therefor:

195.—(1) The Council shall have power to provide light and power for the City and may contract with any person, firm or company for the provision of such light and power as may be required for the purpose.

(2) The waters and lands covered by water within the watershed of Mobile River as described in Schedule F to this Act are hereby vested in the Council absolutely; and all other Crown lands within the said watershed, which may be reasonably necessary for use in connection with the development of waterpower from the said waters or the development of the waters as a source of water supply for the City, are hereby reserved from operation of the Crown Lands Act, 1930, and Acts in amendment thereof, and upon delivery to the Commissioner for Natural Resources by the Council or its lessees of plans and specifications showing to his satisfaction that any of such lands are reasonably necessary for such use and issue of his certificate accordingly, such lands shall forthwith vest in the Council, and in respect of such waters and lands vested in the Council under this subsection, the Council shall have the following powers:

(a) To devote such portion of its revenue as it may deem necessary for the examination of the water power of Mobile River.

(b) To borrow, subject to the approval of the Governor in Commission, such sums as may be found necessary to develop such water powers; to install machinery for the purpose of generating electrical power; and to do such other acts and works as may be necessary or incidental thereto.

(c) To divert, store and use all or any of the waters within the watershed of Mobile River, to divert the same into adjoining drainage basins, to develop water power and flood lands in the Mobile River drainage basin and to raise the level of the waters in any lake, pond or stream within the watershed of Mobile River to any extent that may be required.

(d) To acquire a right of way over private or public lands for the construction of transmission lines for the purpose of conveying such electrical power to and for the use of the City for light and power purposes.

(e) To sell and dispose of such surplus electrical power as may remain at such rates as may be deemed advisable. Such annual profit as accrues from the sale of such surplus electrical power shall be devoted to the establishment of a sinking fund for the purpose of liquidating the capital sum invested, and to the general expenses of the City.

(f) To enter into a lease upon such terms and conditions as it may deem advisable with any person, firm or company as lessee in respect of waters, lands and rights acquired by the Council under this section, and such terms and conditions may provide for the termination of such lease upon notice and upon payment to the lessee of the aggregate cost of all works and erections constructed by the lessee within the watershed of Mobile River subsequent to

the date of the lease less depreciation on such works to the date of such determination.

(g) To grant to such a lessee as is referred to in paragraph (f) of this section such of the rights given to the Council under this section as the Council may determine.

(3) Notwithstanding anything in any other statute contained, no royalties shall be payable to the Government of Newfoundland in respect of the generation of power from the waters vested in the Council under this section.

(4) The Council shall have power to make regulations for the protection as a source of water supply for the City of the waters within the watershed of Mobile River.

(5) All minerals as defined in the Crown Lands Act, 1930, and Acts in amendment thereof, coal, natural gas, oil or salt within the watershed of Mobile River are reserved to the Crown.

2. There shall be added to the said Act as Schedule F the following: **Schedule F added.**

SCHEDULE F.

All that area situate lying and being in the districts of Ferryland and Harbour Main bounded and abutted as follows that is to say: By a line commencing at the mouth of Mobile River and running in a general northwesterly direction for a distance of fifteen (15) miles more or less along the divide between the area drained by Mobile River and the area drained by Witless Bay River and Pierres Brook; thence turning and running in a general southwesterly direction for a distance of thirteen (13) miles more or less along the divide between the area drained by the said Mobile River and the area drained by rivers

flowing into Conception Bay and St. Mary's Bay; thence turning and running in a general easterly direction along the divide between the area drained by the aforesaid Mobile River and the area drained by Tors Cove River for a distance of seventeen (17) miles more or less to the place of commencement (the said area containing fifty (50) square miles more or less).

AN ACT FURTHER TO AMEND THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1919.

(7th November, 1946)

SECTION 1.—Amdt. Sec. 2.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. 2.

1. Section 2 of The Industrial and Provident Societies Act, 1919 (9 & 10 George V, Chapter 11) as amended by the Act 15 George V, Chapter 16 and by the Act No. 29 of 1936, is hereby further amended by adding thereto the following:

and provided further that where a Society is a housing association no member, other than a registered Society, shall have or claim any interest in the shares of the Society exceeding eight thousand dollars.

AN ACT FURTHER TO AMEND THE REVENUE ACT, 1946

(8th November, 1946)

SECTION 1.—Addition Section 40A to the Revenue Act, 1946: Abrogation or reduction of duty in certain cases.

A.D. 1946.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Addition Sec. 40A.

1. The Revenue Act, 1946, is hereby amended by adding thereto immediately after Section 40 as Section 40A, the following:

Abrogation or reduction of duty in certain cases.

40A. Wherever it shall appear to the Governor in Commission that it is desirable to abrogate or reduce the duty on any commodity deemed to be essential to the life of the community the Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, abrogate or reduce the duty on any such commodity either indefinitely, or for such period of time as may be specified in such Order.

AN ACT FURTHER TO AMEND CHAPTER 202 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE INSPECTION OF BOILERS".

(13th November, 1946)

SECTION 1.—Amdt. Sec. 4

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

Amdt. Sec. 4. 1. Section 4 of Chapter 202 of the Consolidated Statutes (Third Series) entitled "Of the Inspection of Boilers", as amended by the Act No. 48 of 1934, is hereby further amended by adding thereto the following:

Provided that in such regulations the Commissioner may, in respect of boilers used in connection with churches, church halls, and schools, exempt the owner or owners of such buildings from the payment of the fees prescribed in such regulations for the inspection of boilers.

AN ACT FURTHER TO AMEND THE EDUCATION ACT 1927

(29th November, 1946)

SECTION
1.—Amdt. Sec. II.
2.—Repeal and substitution Sec. 61.
3.—Amdt. Sec. 62.
4.—Amdt. Sec. 64.
5.—Repeal Secs. 65 and 66.
6.—Amdt. Sec. 75.
7.—Repeal Sec. 3 of Act No. 35 of 1936.
8.—Amdt. Act No. 30 of 1943.

A.D. 1946

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amdt. Sec. II.

1. Subsection (2) of Section II (the interpretation section) of The Education Act 1927 (hereinafter referred to as the said Act) as enacted by Act No. 19 of 1946, is hereby amended by adding thereto as paragraphs (d) and (e) the following:

(d) School shall not be kept during a period of at least two weeks during the Christmas season and at least one week during the Easter season.

(e) School shall not be closed for the summer vacation in any year before the Friday preceding the fourth Monday in the month of June.

Repeal and substitution Sec. 61.

2. Section 61 of the said Act is hereby repealed and the following substituted therefor:

61.—(1) Subject to the provisions of Section 59 of this Act, the salary of a teacher shall be paid by the Board employing such teacher in equal monthly payments during the period during which school is kept.

(2) Subject to the provisions of Section 60 of this Act, the amount payable to a teacher in augmentation of salary

shall be paid in quarterly instalments, on receipt by the Department of Education of a quarterly return for each of the first three quarters and of an annual return for the fourth quarter, except in the case of half-year schools, in which case the augmentation for the second quarter shall be paid only on receipt of an annual return..

(3) The pension premium and other charges for the full current school year payable under Section 75 of this Act shall be deducted from the amount payable under subsection (2) of this section for the second quarter.

Amdt. Sec. 62.

3. Section 62 of the said Act is hereby amended by striking out paragraph (u) thereof and substituting therefor the following:

(u) To set aside the Friday of "Save the Forest Week" each year to be observed as Arbor Day by the school, and school shall be deemed to have been kept during the whole or any part of that day given to the carrying out of an appropriate programme.

Amdt. Sec. 64.

4. Section 64 of the said Act, as enacted by the Act No. 11 of 1935, is hereby amended by striking out the words "of whom one-third shall be members of the Church of England, one-third shall be members of the Roman Catholic Church and one-third shall be members of the United Church" and substituting therefor the words "who shall, as far as possible , be representative of the Church of England, the Roman Catholic Church, the United Church of Canada and the Salvation Army".

Repeal Secs. 65 and 66.

5. Sections 65 and 66 of the said Act are hereby repealed.

Amdt. Sec. 75.

6. Clause (b) of Section 75 of the said Act is hereby amended by striking out therefrom the words "on the 31st day of December in every year" and substituting

therefor "from the amount payable for the second quarter in augmentation of salary".

Repeal Sec. 3 of Act No. 35 of 1936.

7. Section 3 of the Act No. 35 of 1936 entitled "An Act Further to Amend the Education Act 1927" is hereby repealed.

Amdt. Act No. 30 of 1943.

8. The Act No. 30 of 1943 entitled "An Act Further to Amend the Education Act 1927" is hereby amended by adding thereto as Section 3 the following:

3. In a community where a Board is now carrying on a school service or where the establishment of a school service is proposed, and where one or more of the Boards for the district in which the community is situated do not wish to maintain or establish separate or denominational schools and where the majority of the children are not of any of the religious denominations named in Schedule A to The Education Act 1927, the Council of Education may consider any proposal advanced by the Board concerned in the case of the former, and by the community in the case of the latter, for the extension, equipment, replacement or improvement of such a school service, and if the Council is satisfied that, in the circumstances, the local contribution is adequate and if the Council approves the proposal, the title of the property shall be vested in the Commissioner for Home Affairs and Education and such school service shall be administered on behalf of the Department by an officer thereof, and a local committee may be appointed by the Department to be responsible for the care and maintenance of the property and to act in an advisory capacity to such officer.

AN ACT TO AMEND THE NATIONAL CONVENTION ACT, 1946.

(6th December, 1946)

SECTION 1.—Repeal and substitution Sec. 2.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1946.

1. Section 2 of the National Convention Act, 1946 is hereby repealed and the following substituted therefor: Repeal and substitution Sec. 2.

2.—(1) There shall be a National Convention, hereinafter called the "Convention", of Newfoundlanders consisting of forty-five representatives elected in accordance with the provisions of this Act: Provided that the failure of electors in any electoral district or districts to elect a representative or representatives, or the death or resignation of any representative or representatives or his or their absence or inability to attend the Convention, shall not, subject to any rules made under Section 4 of this Act, affect the constitution or duty or function of the Convention.

(2) The Governor in Commission shall appoint a person who shall preside over the Convention as Chairman, but who shall not be entitled to vote in the Convention unless he is one of the representatives elected in accordance with the provisions of this Act.

AN ACT FURTHER TO AMEND THE ST. JOHN'S MUNICIPAL ACTS, 1921-1945

(10th December, 1946)

SECTION 1.—Amdt. Sec. 220.

A.D. 1946

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amdt. Sec. 220

1. Section 220 of the St. John's Municipal Act 1921, as enacted by the Act No. 12 of 1937, is hereby amended by striking out subsection (2) thereof and substituting therefor the following:

(2) There shall be paid by the occupier of every such shop, store, warehouse or factory an annual tax to be known as the Stock Tax, and to be fixed and imposed by the Council on the average value of such occupier's stock-in-trade. The City Clerk may in his discretion waive the payment of the tax when the amount payable is less than twenty-five cents.

D. R. Thistle, King's Printer.

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